

Also, resolution of Robert F. Lowe Post, No. 167, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Charles W. Derby—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolution of Brown Post, No. 84, of Bethel, Me., favoring the passage of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Petition of Jansen & Hansen and other merchants of Springfield, Minn., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of H. H. Edwards Post, No. 135, and John A. Dix Post, No. 96, Grand Army of the Republic, Department of Minnesota, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Resolution of the Fremont Commercial Club, of Fremont, Nebr., relative to the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. McMORRAN: Resolution of William Sanborn Post, No. 98, Grand Army of the Republic, Port Huron, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany bill H. R. 1064, for relief of Solomon Bell—to the Committee on Military Affairs.

By Mr. MURDOCK: Petition of citizens of Rice County, Kans., relating to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Western Retail Implement Dealers' Association, against certain features of Senate bill 1261—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the First Presbyterian Church of Newton, Kans., praying for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of McPherson, Kans., in favor of the passage of the McCumber bill—to the Committee on Alcoholic Liquor Traffic.

Also, petitions of citizens of Ellinwood, Kans.: of the Southwestern Kansas and Oklahoma Implement and Hardware Dealers' Association; of the Wichita (Kans.) Wholesale and Retail Merchants' Association, and of citizens of St. John, Kans., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Thomas Brennan Post, No. 380, Grand Army of the Republic, National Military Home, Leavenworth, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PRINCE: Resolutions of L. P. Blair Post, No. 634, of Fairview, Ill.; Colonel Horney Post, No. 131, of Rushville, Ill.; Thomas Layton Post, No. 621, of Lewistown, Ill.; Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Retail Merchants' Association of Quincy, Ill., against parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Tri-City Lodge, No. 617, Brotherhood of Railway Trainmen, relating to bills H. R. 7041 and 89—to the Committee on the Judiciary.

By Mr. RIDER: Resolution of the Philadelphia Maritime Exchange, relative to arbitration treaties between United States and foreign countries—to the Committee on Foreign Affairs.

Also, resolution of the New York Produce Exchange, relative to the inspection of grain by the Government at terminal markets—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

Also, resolution of the New York Produce Exchange, in favor of deepening the channel of Harlem (Bronx) Kills—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Indiana: Petition of O. C. Himes and others, of La Otto, Ind., in opposition to the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Paper to accompany bill providing for a public building at Denver—to the Committee on Public Buildings and Grounds.

By Mr. SHULL: Papers to accompany bill for the relief of John Conway—to the Committee on Military Affairs.

By Mr. SIBLEY: Petition of citizens of Mercer County, Pa., asking for reforms in the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SNOOK: Papers to accompany bill granting an increase of pension to Joseph Longberry—to the Committee on Invalid Pensions.

Also, resolutions of Walter A. Slaughter Post, No. 568, of Edgerton, Ohio, and of Choat Post, No. 66, of Napoleon, Ohio, Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany bill for the relief of the heirs of Hardin P. Franklin, deceased—to the Committee on Claims.

By Mr. SULLIVAN of New York: Petition of the Outdoor Art League of San Francisco, relative to the big trees of California—to the Committee on Agriculture.

Also, resolution of the New York Board of Trade and Transportation, against repeal of the national bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

By Mr. SULZER: Memorials of the Denver Chamber of Commerce and Commercial Club and the Denver Real Estate and Stock Exchange, relative to the purchase of a site and the erection of a public building—to the Committee on Public Buildings and Grounds.

By Mr. TATE: Paper to accompany bill for the relief of Canton Lodge, No. 77, Free and Accepted Masons, of Canton, Ga.—to the Committee on War Claims.

By Mr. THOMAS of Iowa: Paper to accompany bill H. R. 2846, to correct military record of Charles G. Chamberlain—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 1902, granting an increase of pension to Clark Robinson—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Papers to accompany bill H. R. 1909, relative to relinquishment of a strip of land—to the Committee on Military Affairs.

By Mr. TOWNSEND: Resolutions of Woodbury Post, No. 45; George J. Leighton Post, No. 321, and Welch Post, No. 137, Grand Army of the Republic, Department of Michigan, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. WACHTER: Resolution of the Merchants and Manufacturers' Association of Baltimore, relative to deepening the main ship channel—to the Committee on Rivers and Harbors.

Also, petition of John J. Cornell and others, of Baltimore, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEMS: Papers to accompany bill H. R. 8420, granting an increase of pension to John Patton—to the Committee on Invalid Pensions.

By Mr. WEISSE: Resolutions of Ben Sheldon Post, No. 136, of Brandon, Wis.; Andrew J. Fullerton Post, No. 193, of West Bend, Wis., and Hans C. Heg Post, No. 114, of Waupun, Wis., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: Resolution of Phil Kearny Post, No. 1, Grand Army of the Republic, of Newark, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, January 20, 1904.

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

### THE DAWES COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the request from the Commission to the Five Civilized Tribes, a memorial of members of the Dawes Commission to the Senate of the United States of America, together with a copy of the Commission's letter of transmittal; which, with the accompanying papers, was referred to the Select Committee on the Five Civilized Tribes of Indians, and ordered to be printed.

### VESSEL BRIG WILLIAM.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *William*, Thomas Farnham, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### ISAAC G. MOALE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Isaac G. Moale, administrator of William N. Watmough, deceased, v. The United States; which, with the accom-



panying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 29) providing for the transfer of certain military rolls and records from the Interior and other Departments to the War Department; in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

Mr. TELLER presented petitions of Post No. 63, of Colorado; of Post No. 23, of Colorado; of George H. Thomas Post, No. 7, of Fort Collins; of Post No. 18, of Colorado; of Post No. 81, of Denver; of Post No. 88, of Colorado; of Anderson Post, No. 96, of Cripple Creek; of Post No. 106, of Colorado, and of Post No. 100, of Colorado, all of the Department of Colorado, Grand Army of the Republic, in the State of Colorado, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Simpson Methodist Episcopal Church, of Denver; of the congregation of the Highlands Methodist Episcopal Church, of Denver; of sundry citizens of Pueblo; of the congregation of the Christian Church of Grand Junction; of the congregation of the Methodist Episcopal Church of Durango; of the congregation of the Methodist Episcopal Church of Aspen; of sundry citizens of Frisco; of the congregation of the Reformed Presbyterian Church of Evans; of the Woman's Christian Temperance Union of Fountain; of the congregation of the First Avenue Presbyterian Church, of Denver; of the congregation of the Methodist Episcopal Church South, of Pueblo; of the Woman's Christian Temperance Union of Colorado Springs; of the Woman's Christian Temperance Union of Boulder; of the congregation of the Central Presbyterian Church, of Longmont; of the congregation of the Presbyterian Church of La Salle; of the congregation of the Westminster Presbyterian Church, of Denver; of the congregation of the Methodist Episcopal Church of Castle Rock; of sundry citizens of Cripple Creek; of the congregation of the Pilgrim Baptist Church, of Pueblo; of the Young People's Society of Christian Endeavor of the Central Presbyterian Church, of Longmont; of sundry citizens of Boulder; of the Woman's Christian Temperance Union of Colorado Springs; of the congregation of the Methodist Episcopal Church of Florence; of the Woman's Christian Temperance Union of Denver; of the Mesa Woman's Christian Temperance Union, of Pueblo; of the Woman's Missionary Society of the First Presbyterian Church of Canon City; of the congregation of the Christian Church of Loveland, and of the Woman's Christian Temperance Union of Loveland, all in the State of Colorado, and of the Woman's Home Missionary Society of the Methodist Episcopal Church of Cincinnati, Ohio, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BARD presented a petition of the congregation of the Baptist Church of Salinas, Cal., and a petition of the congregation of the United Presbyterian Church of Salinas, Cal., praying for the enactment of legislation providing for the closing on Sunday of the Lewis and Clark Centennial Exposition; which were referred to the Select Committee on Industrial Expositions.

Mr. NELSON presented a petition of John A. Dix Post, No. 96, Department of Minnesota, Grand Army of the Republic, of Luverne, Minn., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. MILLARD presented a petition of sundry citizens of Tecumseh, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Ministers' Association of Lincoln, Nebr., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. QUAY presented a petition of sundry settlers on the Kiowa, Comanche, and Apache Indian Pasture Reserve No. 3, of Comanche County, Okla., praying that their lands be opened to settlement under the homestead laws, and remonstrating against the enactment of legislation providing for the sale of such land to the highest bidder; which was referred to the Committee on Indian Affairs.

Mr. WARREN presented a petition of John F. Reynolds Post, No. 33, Department of Wyoming, Grand Army of the Republic, of Cheyenne, Wyo., and a petition of O. O. Howard Post, No. 110, Department of Wyoming, Grand Army of the Republic, of Basin, Wyo., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Cheyenne, Wyo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of Philadelphia Division No. 102, Order of Railroad Telegraphers, of Philadelphia, Pa., praying for the passage of the so-called eight-hour bill and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. BURROWS presented a petition of Charles E. Wendell Post, No. 316, Department of Michigan, Grand Army of the Republic, of Minnesota, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation to extend the time for completing the East Washington Heights Traction Railroad; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the petitions of Right Rev. W. W. Niles, Bishop of New Hampshire, of Concord; of Rev. J. H. Coit, of St. Paul's School, of Concord; of sundry ministers of Charlestown, all in the State of New Hampshire; of J. Cardinal Gibbons, of Baltimore, Md., and of Charles C. Pierce, chaplain, United States Army, of Fort Myer, Va., praying for the enactment of legislation to recognize and promote the efficiency of army chaplains; which were referred to the Committee on Military Affairs.

Mr. CULLOM. I present petitions of Post No. 296, of Carnie; of Edwin D. Lowe Post, No. 295, of Jerseyville; of George Kridler Post, No. 575, of Milledgeville; of Post No. 210, of Cerro Gordo; of Post No. 231, of Hennepin; of G. W. Trafton Post, No. 239, of Knoxville; of John A. Rawlins Post, No. 579, of Mulberry Grove; of E. C. Camp Post, No. 149, of Bement; of Post No. 620, of New Douglas; of Eli Bowyer Post, No. 92, of Olney, and of William Lawrence Post, No. 744, of New Burnside, all of the Department of Illinois, Grand Army of the Republic, in the State of Illinois, praying for the enactment of a service-pension law.

I desire to make one remark in connection with these petitions. It seems to me that almost every Grand Army post in Illinois is asking for the passage of a service-pension bill. Whether the posts in the rest of the country are similarly interested I do not know, but I wish to call the attention of the Committee on Pensions to the subject and ask that they give it serious consideration. I do not know what the cost would be arising from the passage of such a bill.

Mr. GALLINGER. Forty million dollars.

The PRESIDENT pro tempore. The petitions will be referred to the Committee on Pensions.

Mr. QUARLES presented a petition of the Marinette General Improvement Association, of Marinette, Wis., and a petition of the Marinette County Good Roads Association, of Marinette County, Wis., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 905) for the relief of George F. Schild, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 1274) to authorize the readjustment of the accounts of army officers in certain cases, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3127) for the relief of G. W. Ratleff, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 623) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3199) for the relief of A. M. Short; and

A bill (S. 721) for the relief of Darwin S. Hall.

Mr. CLAPP, from the Committee on Claims, to whom was re-



ferred the bill (S. 735) for the relief of Jean Louis Legare, of the Dominion of Canada, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1787) for the relief of Jean Louis Legare, of the Dominion of Canada, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1327) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to; and

A bill (S. 964) to grant jurisdiction and authority to the Court of Claims in the case of Southern Railway Lighter No. 10, her cargoes, and so forth.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 1546) to amend section 2745 of the Revised Statutes of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2579) for the relief of the estate of Brig. Gen. Wager Swayne, in charge of the Bureau of Refugees, Freedmen, and Abandoned Lands;

A bill (S. 2888) for the relief of Priscilla R. Burns;

A bill (S. 1407) for the relief of John W. Gummo; and

A bill (S. 2233) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher.

#### HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. ELKINS, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

#### CLERK IN SENATE POST-OFFICE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Kansas [Mr. BURTON], to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to employ one clerk in the Senate post-office at a compensation of \$1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. There is a great flood of proposed increases in the clerical force of the Senate, and we are from day to day providing for increases. I wish the Senator from New Jersey who reports this resolution would state to the Senate what is the present force in the post-office of the Senate, whether the officials who are there are insufficient to do the work, and whether they are engaged in the Senate post-office in the service of the Senate in the work for which they are paid. I do not know how many officials there are in the Senate post-office, but I am told that the work there is practically done by one man, that the employees of the Senate who are in the office do not attend to the duties, and that this is a supplemental man to increase the force and to aid the man who is doing the work but who is not drawing all the salary. I do not know about the matter, but I have been so told. I should like to have the Senator from New Jersey explain the situation. I do not even know who are employed in the office.

Mr. KEAN. I will say to the Senator from Maine that this resolution is for the purpose of retaining in the post-office the efficient man, the person to whom he referred, who does the work in the post-office.

Mr. HALE. What other officers are there besides this man who does the work?

Mr. KEAN. I believe there is a postmaster, but I am not advised as to how many other people there are in the post-office.

Mr. HALE. I do not rebuke the Senator, because he is very faithful in his duties, but ought he not, before he reports a resolution of this kind, to know what the force is in the post-office and whether the men who are there and who are paid for doing its work are doing it? Does the Senator know that that is the case?

Mr. KEAN. I am sorry to say that I can not inform the Senator as to the post-office employees.

Mr. HALE. I ask that the resolution may go over until the Senator can tell us about the transaction.

Mr. KEAN. I shall be glad to do so.

The PRESIDENT pro tempore. The resolution goes to the Calendar.

#### BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3627) granting an increase of pension to Elizabeth Osborn; and

A bill (S. 3628) granting an increase of pension to Daniel McCulloch.

Mr. PENROSE introduced a bill (S. 3629) to restrict the unlimited transfer of merchandise in bonded warehouses; which was read twice by its title, and referred to the Committee on Finance.

Mr. STEWART introduced a bill (S. 3630) to amend an act entitled "An act to grant the right of way through the Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3631) to provide for the organization and maintenance of public schools in the Indian Territory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. SCOTT introduced a bill (S. 3632) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Revolutionary Claims.

Mr. BURROWS introduced a bill (S. 3633) granting an increase of pension to Charles W. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 3634) to restore Lieut. Kenneth McAlpine to the rank and number formerly held by him in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FAIRBANKS introduced a bill (S. 3635) granting a pension to John M. Godown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 3636) for the relief of Charles Hall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Depredations.

Mr. PLATT of Connecticut introduced a bill (S. 3637) granting an increase of pension to Frederick Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 3638) to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable dismissal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 3639) making provision for the payment of certain sums of money found to be due to the Nez Percé Indians of Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3640) granting an increase of pension to John S. Stevens;

A bill (S. 3641) granting an increase of pension to William H. Kinsel; and

A bill (S. 3642) to extend the provisions, limitations, and benefits of the act of July 27, 1892, as amended by the act of June 27, 1902.

Mr. BERRY introduced a bill (S. 3643) for the relief of the trustees of the Baptist Church of Pine Bluff, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3644) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3645) granting an increase of pension to Francis Hall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3646) granting a pension to Thomas C. Trumbull; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3647) granting an increase of pension to Josephine S. Wainwright; which was read twice by



its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 3648) granting a pension to Adolph Roensch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3649) granting an increase of pension to William Kelly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BALL introduced a bill (S. 3650) for the relief of Thomas Watson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 3651) granting an increase of pension to Mildred S. Ogden; which was read twice by its title.

Mr. HALE. I present a memorandum covering the case, which I ask may be printed with the bill and referred with it to the Committee on Pensions.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Pensions with the accompanying papers, which will be printed.

Mr. CLAY introduced a bill (S. 3652) granting a pension to James R. Ward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY. For my colleague [Mr. McLAURIN], who is necessarily absent, I introduce a bill.

The bill (S. 3653) authorizing the Secretary of the Interior to issue to Louis Trager a patent for certain lands situated in Wilkinson County, Miss., was read twice by its title, and referred to the Committee on Public Lands.

Mr. QUARLES introduced a bill (S. 3654) granting a pension to Hannah Hall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3655) for the relief of Ellen Sexton; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 3656) granting an increase of pension to William Turner; which was read twice by its title, and referred to the Committee on Pensions.

#### PANAMA AND THE PANAMA CANAL.

Mr. MORGAN. I introduce a bill, which I ask may be read in extenso, its first reading being at length.

The bill (S. 3657) to acknowledge the independence of the Republic of Panama and to provide for the construction of an isthmian ship canal, and for other purposes, was read the first time at length, as follows:

Many nations having recognized the secession of Panama from the Republic of Colombia and its independence as an accomplished fact:

And the President of the United States having approved and protected the secession of Panama with the naval forces of the United States:

And the President and the Senate having recognized the independent Government of Panama by appointing and accrediting an envoy extraordinary and minister plenipotentiary to the Republic of Panama:

And the people of Panama having chosen their delegates to a constituent assembly, now in session, to ordain a system, plan, and constitution for the Government of that Republic:

Whereby the independence of Panama has become an established fact. Be it enacted, etc., That said Republic of Panama is annexed to the United States on the terms and conditions following:

That when this section of this act is adopted and ratified by the Government of the Republic of Panama, through the action of a constituent assembly or of the Legislature of the Republic of Panama thereunto empowered, the Republic of Panama, formerly known as the Department of Panama, with its boundaries and dependencies, shall become a part of the territory of the United States and subject to the sovereign dominion thereof, and all and singular the rights and property of said Republic of Panama, of every description, shall vest in the United States of America, without reserve, and shall be subject to their sovereign jurisdiction.

And thereupon the President of the United States shall issue his proclamation that the Republic of Panama is annexed to the United States under the provisions of this section of this act.

SEC. 2. The sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, subject to the warrant of the President, as compensation to the Republic and people of Panama for the cession of its territory and rights under and in accordance with the provisions of section 1 of this act. Three million dollars of said sum shall be immediately available to be used, in the discretion of the President, for the benefit of the Government of Panama, and the remaining \$7,000,000 shall be reserved in the Treasury, subject to the further disposition of the Congress of the United States, for the benefit of the people of the Republic of Panama and their respective territorial and local municipal governments.

SEC. 3. The sum of \$15,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be subject to the warrant of the President of the United States, when Congress shall have approved and ratified any agreement the President shall make with the Republic of Colombia, in respect of the secession of Panama from Colombia, including an agreement as to any public debts that Colombia may owe to other governments, which might otherwise be claimed as a debt, in whole or in part, that may be obligatory upon the Republic of Panama, and also including all rights and claims of every kind and character in favor of Colombia, in any manner or form, growing out of her relations to or dealings or connection with the Universal Panama Canal Company or the New Panama Canal Company.

SEC. 4. The sum of \$40,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be applied as follows and upon the following conditions, namely:

"That the President of the United States is hereby authorized to acquire, for and on behalf of the United States, at a cost not exceeding \$40,000,000, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, plants, and other property, real, personal, and mixed, of every name and nature, owned by the New Panama Canal Company, of France, on

the Isthmus of Panama, and all its maps, plans, drawings, records on the Isthmus of Panama and in Paris, including all the capital stock, not less, however, than 68,868 shares of the Panama Railroad Company, owned by or held for the use of said canal company, provided a satisfactory title to all of said property can be obtained."

And after such contract or purchase is made it shall be submitted to Congress for its ratification and shall not be finally obligatory until it is so ratified; whereupon the President is authorized to draw his warrant on the Treasury of the United States for such sum, not to exceed \$40,000,000, as Congress shall make available for such purchase.

The President shall report to Congress the terms and conditions of such purchase and the names of the persons or corporations that are lawfully authorized and empowered to make a sale and conveyance of such property, and to receive and give acquittance for the sums of money to be paid for the property and rights of said canal companies purchased under the provisions of this section of this act.

The President shall also report to Congress the facts he may ascertain as the basis of the right of either of said Panama Canal companies to make a sale and conveyance of their property and concessionary or other rights to the United States, and of the state and condition of those concessions and upon what laws or decrees of Colombia they rest for their validity.

SEC. 5. The appropriation of \$10,000,000 for the construction of an isthmian canal in section 5 of the act approved June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," and the other provisions of said section shall apply to the construction of a canal at Panama, subject to the provisions of this act, and nothing contained in sections 2, 3, or 4 of this act shall in any manner retard or delay the construction of a canal on the Panama route or on the Nicaragua route, as described in said act of June 28, 1902.

Nothing in this act shall be so construed as to affect any right, power, or duty of the President under said act of June 28, 1902, in respect of the Nicaragua route, as therein provided, or as affecting any right of the United States under the agreements, respectively, between the Republics of Nicaragua and Costa Rica and the United States, signed, sealed, and interchanged on the 1st day of December, 1900. And if a canal is constructed or commenced to be constructed, subject to this act, at Panama, all the provisions of said act of June 28, 1902, shall apply to the same, except the first section thereof, as fully and completely as the same would have applied to a canal constructed in conformity thereto under a treaty with Colombia if such treaty had been made when it was the sovereign owner of the Department of Panama.

Mr. MORGAN. I ask that the bill may go over, and on its second reading to-morrow I shall ask the leave of the Senate to submit some observations upon it.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will go over for a second reading.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$720 to pay balance due the Independent Line steamers, of Tampa, Fla., in settlement of all claims against the United States for damages to the steamer *Manatee*, due to a collision with the U. S. S. *Hillsboro*, in Tampa Bay, Florida, November 18, 1901, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. NELSON submitted the following amendments, intended to be proposed by him to the diplomatic and consular appropriation bill: which were referred to the Committee on Foreign Relations, and ordered to be printed:

An amendment proposing to change the grade of the consulate at Stuttgart, Germany, from Class IV, Schedule B, to Class III of the same schedule;

An amendment proposing to change the grade of the consulate at Odessa, Russia, from Class IV, Schedule B, to Class III of the same schedule;

An amendment proposing to increase the salary of the consul-general at Christiania, Norway, from \$2,000 to \$2,500; and

An amendment proposing to change the grade of the consulate at Bergen, Norway, to Class VI, Schedule B.

Mr. NELSON submitted an amendment proposing to appropriate \$4,926.67, in full compensation for damage to the owners of the Norwegian steamship *Nicaragua* by reason of the rescue of an American citizen, John McCafferty, and the consequent quarantine of said ship at Mobile, Ala., 1894, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate \$2,000 for chief of division of printing, in the Department of Commerce and Labor, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### PURE-FOOD BILL.

Mr. HEYBURN submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That there be printed, for the use of the document room of the Senate, 500 extra copies of Senate bill 198 and of the report thereon, Senate Report No. 301.

#### HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS.

Mr. ALLISON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Appropriations be, and it is hereby, authorized to employ a stenographer from time to time, as may be necessary,



to report such testimony as may be taken by the committee or its subcommittees in connection with appropriation bills, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

#### RELATIONS WITH COLOMBIA.

Mr. HALE. The other day I introduced a resolution relating to the situation in Panama as a substitute to the resolution of the Senator from Georgia [Mr. BACON], and it went with his resolution. Those resolutions are on the table. I now introduce the same resolution, simply that it may be referred. The Senator from Georgia is not here. I ask that my resolution may be referred, not touching his resolution, to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The proposition of the Senator is simply a reference of the resolution?

Mr. HALE. A reference of this resolution, not touching the other.

The PRESIDENT pro tempore. As it has been read before, it will not, unless the Senator desires, be read again. The resolution will be referred to the Committee on Foreign Relations.

The resolution submitted by Mr. HALE on the 13th instant was referred to the Committee on Foreign Relations, as follows:

Whereas the State of Panama, formerly a part of the Republic of Colombia, has seceded from that Republic and has set up a government, republican in form, under the name of the Republic of Panama; and

Whereas the independence of said Republic of Panama has been recognized by the United States and by many other nations; and

Whereas a treaty is now pending before the Senate between the United States and the Republic of Panama, the ratification of which will insure the speedy building of the interoceanic canal by the United States across the territory of said Republic of Panama: Therefore

Resolved, That in any claim which the Republic of Colombia, in any form, may make against the said Republic of Panama for indemnification or loss of territory or increased burden of the debt of said Republic of Colombia, the President is requested to tender his best offices toward the peaceful adjustment of all controversies that have arisen, or may arise, between said Republic of Colombia and the Republic of Panama.

#### NICARAGUAN CANAL.

Mr. MORGAN. I submit a resolution, which I ask may be printed and go over.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That obedience to the act of June 28, 1902, known as the "Spooner law," and the preservation and execution of the agreements between Costa Rica, Nicaragua, and the United States entered into, sealed, and interchanged on December 1, 1900, requires that the President shall proceed to open negotiations with Nicaragua and Costa Rica for a treaty to further arrange and settle the terms in detail for the construction of a ship canal on the Nicaragua route.

The PRESIDENT pro tempore. The resolution will be printed and go over. It is not, however, an ordinary resolution, recognized as coming up in the morning hour. It is a concurrent resolution.

Mr. PLATT of Connecticut. It can go over.

The PRESIDENT pro tempore. In accordance with the request of the Senator from Alabama, the resolution will go over.

#### HOUSE RESOLUTION REFERRED.

The joint resolution (H. J. Res. 29) providing for the transfer of certain military rolls and records from the Interior and other Departments to the War Department was read twice by its title, and referred to the Committee on Military Affairs.

#### SIVEWRIGHT, BACON & CO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, with accompanying papers, relating to the claim of Messrs. Sivewright, Bacon & Co., of Manchester, England, British subjects, for compensation for damages sustained by their vessel, the British steamship *Easty*, in consequence of collisions, in June, 1901, at Manila, with certain coal hulks belonging to the United States Government.

I recommend that, as an act of equity and comity, provision be made by the Congress for reimbursement to the firm of the money expended by it in making the repairs to the ship which the collisions rendered necessary.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, January 20, 1904.

#### RELATIONS WITH NEW GRANADA OR COLOMBIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be stated.

The SECRETARY. Senate resolution 73, by Mr. GORMAN, calling upon the President for certain information touching former negotiations of the United States with the Governments of New Granada or Colombia, etc.

The PRESIDENT pro tempore. The resolution is before the Senate, and the Senator from Colorado [Mr. PATTERSON] is entitled to the floor.

Mr. PATTERSON. Mr. President, when I suspended my remarks yesterday the Senator from Wisconsin [Mr. SPOONER] and I had reached a conclusion about what has been a controverted clause of article 35 of the treaty of 1846, namely, that it was a grant of a

right of free passage and transit to the United States and citizens of the United States and their goods and merchandise, revocable at the expiration of twenty years if either party desired its revocation, or at any time after twenty years upon a year's notice of the party desiring the end or the amendment of the treaty. Further, that it was a grant to the United States of very important commercial privileges that the United States had been striving in vain for twenty years to secure. These commercial privileges, of course, were mutual, but the commercial advantages were all with the United States, for this was a country of great commercial enterprise. It desired the expansion of its commerce throughout South America. It was in competition with Great Britain in seeking the republics of South America as its markets, and through this treaty it was given much more advantageous ground than was held by its British competitor.

All the provisions of the treaty of 1846 that I have discussed were to the great advantage of the United States. I now come to the only part that could be claimed to be a burden upon the United States, and so much as gave the guaranty of the United States to maintain the sovereignty and property of Colombia in the Isthmus of Panama. I read:

And, in order to secure to themselves—

That is, the United States—

the tranquil and constant enjoyment of these advantages—

That is, the commercial advantages to which the treaty had before referred and that are epitomized in article 35—

and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists, and in consequence the United States also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory.

Mr. President, in view of the strong and comprehensive language used in this clause of article 35, I was inclined to believe, when I first gave it my consideration, that the United States had not only guaranteed the neutrality and the property of Colombia in Panama as against foreign nations, but that it had also guaranteed them as against domestic insurrection. Reflection has satisfied me that such was not the case and that both the President and Secretary Hay are right when they concluded that the United States guaranteed the sovereignty of Colombia over Panama only as against foreign governments. So, in what I shall say upon this clause of article 35, I will be guided by the conclusion reached by the President and by Secretary Hay, and as is contended for by the Senators upon the other side.

But, Mr. President, when the United States guaranteed the sovereignty of Colombia over Panama and guaranteed the property of Colombia in Panama as against foreign nations, surely it also guaranteed that the United States would never participate, so long as the treaty lasted, in wresting that sovereignty over Panama or Colombia's property in Panama from Colombia. If it was not an obligation upon the United States resting in express words, it was an obligation commanded by every obligation of international morality—that when a nation guarantees the neutrality and the property of another nation in a part of its possessions as against foreign powers, it has effectually tied its own hands from conspiring with domestic traitors to destroy that sovereignty.

That this treaty provided as clearly as language could against anything like force or war being waged against Colombia for anything arising out of the treaty is manifest in every article and line of it. I call attention to article 3, because this article declares by what rules the subjects of one of the nations when in the territory of the other shall be governed:

#### ARTICLE 3.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures, and merchandise, and that they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do or shall enjoy, submitting themselves to the laws, decrees, and usages there established, to which native citizens are subjected.

By this article citizens of the United States prosecuting commerce in Colombia and living there were to be bound by the laws, decrees, and usages of Colombia to the same extent as native citizens were. This is a consideration of no mean importance in the discussion.

When we consider article 8 of the treaty we find the fullest and most complete provisions made for the rectification of any violation of the treaty by either side. It provides that the citizens of either of the countries shall be liable to an embargo on Panama commerce. I read it for another purpose—to show that this treaty provides for interruptions in transit across the Isthmus. It pro-



vides for embargoes, for deliberate detention in transportation upon conditions, as will be seen from the reading of the article:

ARTICLE 8.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

Here, then, is a clear provision by implication that embargoes might be placed upon commerce; that interruptions in the transit of persons, cargoes, merchandise, and effects might occur. For what nation can surely provide against the contingencies of internal troubles? And it is the necessary result that in such treaties as the one of forty-six, provisions must be made excusing the guaranteeing state from unforeseen contingencies.

Mr. MALLORY. Will the Senator permit me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. MALLORY. The Senator is reading now from the eighth article of the treaty, which applies in general. I wish to call the Senator's attention to the thirty-fifth article, to the portion of it which refers to the Isthmus of Panama particularly, and to the right of transit across the Isthmus of Panama, and I ask him whether under approved rules of construction that would not be considered as an exception to the general rule laid down in the eighth article?

Mr. PATTERSON. I take it that the whole includes every part, and whenever this treaty provides for a course of conduct applicable to the whole of Colombia it includes Panama as well as every other of the nine Departments of which Colombia consists. Therefore, Mr. President, while there is another provision in article 35 which relates distinctly to Panama, there is no room to question that article 8 is also applicable.

I now call the attention of the Senate to the provision of article 35, to which the Senator from Florida [Mr. MALLORY] referred. It is the fifth subdivision:

Fifth. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

If there had been any violation of this treaty upon the part of Colombia, what was the bounden duty of the United States? If the President desired to observe the treaty that we all admit is yet in force, because neither nation has denounced it and the President rests his justification in part upon it, it was his solemn and bounden duty to pursue the course marked out by this clause of the treaty. Has it been done? There is no suggestion of the kind. Not a single charge of the violation of the treaty has been presented. If there had been, then the duty of the President was plain to pursue the course marked out by this section. But granting there was some nonobservance of the treaty by Colombia, which is not charged, and which did not occur, then the President ignored the treaty, and by intervention for the Panama junta made war his method for redress.

The fact that the President has not pursued the method prescribed in the treaty, for nonobservance of its terms is proof positive, since treaties are the supreme law of the land, as he is a law-abiding citizen and observes the obligation of his oath of office, that in his judgment there was no violation of the treaty and there was no necessity for him to proceed under article 35.

Now, let us see what the President says in his message about the action of Colombia with reference to the right of transit and the treaty. I read from his last annual message:

In the year 1846 this Government entered into a treaty with New Granada, the predecessor upon the Isthmus of the Republic of Colombia and of the present Republic of Panama, by which treaty it was provided that the Government and citizens of the United States should always have free and open right of way or transit across the Isthmus of Panama by any modes of communication that might be constructed.

If the President had been entirely frank, he would have said that the United States and the citizens of the United States were entitled to transit across the Isthmus of Panama so long as the treaty of 1846 was in existence. The treaty does not say that the right of transit shall always exist. Then he continues:

While in return our Government guaranteed the perfect neutrality of the above-mentioned Isthmus with the view that the free transit from the one to the other sea might not be interrupted or embarrassed. The treaty vested in the United States a substantial property right carved out of the rights of sovereignty and property which New Granada then had and possessed over the said territory.

Of course this latter is a conclusion reached by the President. But if when one nation grants to another by treaty, revocable at the will of either after a certain period, the right of transit upon means of communication in the territory of the granting nation,

it carves out for the beneficiary some of the sovereignty and substantial property rights of the guaranteeing nation, then it is time for nations to revise the language of treaties and to adopt new terms for expressing their agreements. Certainly never until this exigency arose have the representatives of any nation exhibited sufficient temerity to claim that the treaty grant of the right of transit to its citizens across another country deprived the government of that country of any of its sovereignty and conferred that sovereignty upon another.

Mr. DOLLIVER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. PATTERSON. Certainly.

Mr. DOLLIVER. The Senator from Colorado refers to that passage of the President's message as a novelty. It does not occur to me to be entirely a novelty, as the same proposition in substance seems to have been made by President Pierce in his message on this subject in 1856. Will the Senator permit me to read a single passage from it?

Mr. PATTERSON. Certainly.

Mr. DOLLIVER. He does not say that any part of the sovereignty of Colombia was carved out, but he says that it was a material element of sovereignty; which I understand to be the proposition which the Senator has denied. President Pierce says:

It would be difficult to suggest a single object of interest, external or internal, more important to the United States than the maintenance of free communication, by land and sea, between the Atlantic and Pacific States and Territories of the Union. It is a material element of the national integrity and sovereignty.

Mr. PATTERSON. It is difficult to tell, Mr. President, as I hear the extract read, whether President Pierce refers to the national integrity and sovereignty of Colombia or of the United States in the clause which has been read by the junior Senator from Iowa [Mr. DOLLIVER]. But there is no pretense in what he has read that Colombia had carved out of its sovereignty over its own territory any portion of it and conferred it upon the United States or upon any other country. Most undeniably, Mr. President, communication between ocean and ocean through our own States and Territories is a material element of national sovereignty, but there is no suggestion that the United States has ever parted with any of it, through treaties or otherwise, although the citizens of all our treaty countries have free right of way across them. What the Senator has read is in no wise germane to the discussion.

Mr. President, if the claims of the Administration are true, then the following is the necessary logical result:

That article 35 of the treaty of 1846 was a burden which the United States assumed without consideration; that its true meaning was that for the great benefits that were to accrue to the United States and the civilized world New Granada granted to the United States the right—

To exclude New Granada from use of whatever kind of transportation might cross the Isthmus, however necessary its use might be to suppress rebellion or insurrection.

To deprive New Granada of the right to land troops or other munitions of war on the Isthmus for the purpose of overcoming rebellion or preventing secession.

This, the President holds, is upon the theory that such transportation or landing threatens the free and uninterrupted use of such means of transportation, to keep open and maintain which uninterrupted became the bounden duty of the United States.

As if it were possible that a nation could enter into a treaty upon the face of which its most cherished possession, state or department, was made secure to it as against foreign aggression, but which rendered it powerless to retain that possession against its own subjects or to struggle against domestic revolution, rebellion, or secession.

Mr. President, I shall not occupy longer time with the discussion of the terms of the treaty, but I desire to call attention to the views which have been taken of the treaty by different American Administrations. It has been up for construction not infrequently in the past. Cass, Seward, Bayard, and other Secretaries of State, with the approval, unquestionably, of the Presidents then in office, have had occasion to consider this treaty. They have done so in no uncertain words. I desire to read what President Roosevelt says, and then quote the language of the officials to which he referred, that we may determine whether he correctly interprets their language. He says, in his first message to the present session:

The duty of the United States in the premises was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward in the official documents above quoted, the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interruption of transit as an inevitable consequence. The de facto



government of Panama was recognized in the following telegram to Mr. Ehrman:

"The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and *without substantial opposition from its own people*, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit, in accordance with the obligations of existing treaties governing the relations of the United States to that territory."

The inference the President seeks to convey is that Secretaries Cass and Seward, and doubtless other heads of the State Department, have held that Colombia had no right to land an expeditionary force for the purpose of preserving its integrity and sovereignty over Panama. I assert, Mr. President, that nothing Secretary Cass or any other Secretary of State has said can be tortured into such a claim; and I shall endeavor, by recurring to the language of these Secretaries, to show that what I say is sustained by their language. I reread what Secretary Cass said:

While the rights of sovereignty of the states occupying this region (Central America) should always be respected—

He starts out with the proposition that the rights of sovereignty of the South American States should always—not a part of the time, but always—be respected. I commence the quotation again:

While the rights of sovereignty of the states occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted in a spirit of eastern isolation to close the gates of intercourse on the great highways of the world and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.

Mr. President, so far from Colombia having, in a spirit of Eastern isolation, closed the gates of Panama to intercourse from ocean to ocean, it has religiously observed every day and hour of the treaty, so far as it could, the pledge which it gave to the United States. When Colombia granted the franchise for the construction of the Panama Railroad, in that grant of franchise it fully provided for the rights of transit it had guaranteed to the United States, and it is by virtue of the clauses it inserted in the Panama Railroad franchise that the railroad company has never undertaken to discriminate either in passengers or freight against citizens of the United States, and if there had been any other mode of transit constructed, there is no question but that we would have found Colombia again observing the obligations of the treaty by insisting that the transit privileges guaranteed to the United States by the treaty of 1846 should be strictly preserved for them.

It is an historical fact that there has been no closing of the Isthmus to transit of any kind, except occasionally for very short periods when domestic disturbances made it unavoidable. Indeed, Colombia, with the single exception of refusing to ratify the Hay-Herran treaty, which was its indisputable right, has been without offense against the United States ever since the treaty of 1846 was made. I call upon Senators on the other side to indicate, if such is not the truth, when and where and how Colombia failed to perform its duty. It is true that at times there have been insurrections upon the Isthmus of Panama which obstructed for the time being free transit across the Isthmus, but if Colombia was unable to speedily clear the way for the citizens and goods of the United States it has unhesitatingly called upon the United States to lend its aid in opening up the transit.

But supplemental to the utterance of Secretary Cass that I have just read, I call attention to another treaty, quite independently of that of 1846, that was entered into between the United States and Colombia in 1857, by Secretary Cass. There had been obstruction of the transit across the Isthmus, and this treaty was negotiated to enable citizens of the United States to collect damages from Colombia by reason of the obstruction, and the damages were demanded by the United States because it asserted what Colombia admitted that it was its duty and not that of the United States to keep the transit open. The first article of this treaty of 1857 reads:

All claims on the part of \* \* \* citizens of the United States upon the Government of New Granada \* \* \* and especially those for damages which were caused by the riot at Panama on the 15th of April, 1856, for which the said Government of New Granada acknowledges its liability arising out of its privilege and obligation to preserve peace and order along the transit route.

It seems to me that the President should revise his statement about General Cass's construction of the treaty of 1846. The latter maintains, in direct conflict with the claims of President Roosevelt and his Secretary of State, by a solemn treaty, solemnly negotiated between the two countries, and solemnly indorsed by the then President of the United States and the American Senate,

that it was the duty of Colombia to preserve peace and order along the transit route; and because in this instance Colombia was unable to preserve it as it had guaranteed to do the United States had a claim for damages against it; and New Granada, in the most formal manner, acknowledged its responsibility.

Could there be a more solemn and binding recognition by any country of the duty of another country to keep open its own line of passage and transit? But yet this Administration takes the ground that it was the duty of the United States to keep the transit open, and that it was the right and duty of the United States to prevent the parent country from keeping open the line of transit and from suppressing a rebellion that threatened the transit, and that so much of the sovereignty of Colombia as imposed upon it the duty of keeping open the route had been abdicated and transferred to the United States under the treaty of 1846. I will now read what Secretary Seward said. I quote the extract from the President's message:

The United States have taken and will take no interest in any question of internal revolution in the State of Panama, or any State of the United States of Colombia—

Ah, Mr. President, this was when Mr. Lincoln was President of the United States, when Mr. Seward was his Secretary of State, when calmer heads and better judgment and more loyal observance of the law were the rule at the capital of the nation. Then Mr. Seward declared:

The United States have taken and will take no interest in any question of internal revolution in the State of Panama or any State of the United States of Colombia, but will maintain a perfect neutrality in connection with such domestic altercations.

If the United States had maintained neutrality would there be the Republic of Panama to-day? If the United States had not interposed its vessels of war and marines between the parent country and its revolting province, does any one doubt that Panama would be to-day, as it was before the 4th or 5th of November last, one of the Departments of the Republic of Panama?

Secretary Seward continues as follows:

The United States will, nevertheless, hold themselves ready to protect the transit trade across the Isthmus against invasion of either domestic or foreign disturbers of the peace of the State of Panama.

Who were the disturbers of the peace of Panama? The Government? Those in authority? Those whose duty it was to execute the law and punish offenders? No, Mr. President; but rather those who rose against the law and sought to overthrow the regular Government. Against those Secretary Seward declared the United States held themselves ready to protect the transit.

President Roosevelt and his Secretary of State declare that not only will the United States hold themselves ready to protect the transit across the Isthmus, but they will, to do so, make successful a revolution against Colombia—the country whose sovereignty over Panama we guaranteed in the most solemn and binding manner. It seems to me that the President and his Secretary might well be disturbed by the shades of Lincoln and Seward. They have reversed the honest and statesmanlike dealings of Lincoln and Seward with Colombia and have flown in the face of the recognized international law of the world to accomplish their ambitious ends.

Then Secretary Seward continues, and this extract is continued from the President's message:

\* \* \* Neither the text nor the spirit of the stipulation in that article by which the United States engages to preserve the neutrality of the Isthmus of Panama imposes an obligation on this Government to comply with the requisition [of the President of the United States of Colombia for a force to protect the Isthmus of Panama from a body of insurgents of that country]. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only.

Again, Secretary Seward wrote to our minister at Bogota on April 30, 1866, as follows:

The United States desire nothing else, nothing better, and nothing more in regard to the State of Colombia than the enjoyment on their part of complete and absolute sovereignty and independence. If those great interests shall ever be assailed by any power at home or abroad, the United States will be ready, cooperating with the Government and their ally, to maintain and defend them.

On October 27, 1873, Secretary Fish, President Grant's Secretary of State, said in an official dispatch to Mr. Keeler, referring to section 35 of the treaty of 1846, as follows:

This engagement—

That is, the engagement to protect Colombia in Panama as against domestic revolution or disturbance—

however, has never been acknowledged to embrace the duty of protecting the road across it from the violence of local factions. Although such protection was of late efficiently given by the force under the command of Admiral Almy, it appears to have been granted with the consent and at the instance of the local authorities. It is, however, regarded as the undoubted duty of the Colombian Government to protect the road against attacks from local insurgents. The discharge of this duty will be insisted upon.

That was the attitude of President Grant and Secretary Fish—not that the United States would interpose to prevent Colombia from suppressing disturbance on the line of transit in Panama, but that it was the undoubted duty of the Colombian Government



to protect the road against attacks from local insurgents, and that the United States would insist upon the discharge of that duty.

Secretary Bayard had something to say upon this proposition during the Administration of President Cleveland. He said:

On several occasions the Government of the United States, at the instance and always with the assent of Colombia, has, in times of civil tumult, sent its armed forces to the Isthmus of Panama to preserve American citizens and property along the transit from injuries which the Government of Colombia might at the time be unable to prevent. But, in taking such steps, this Government has always recognized the sovereignty and superior right of Colombia in the premises.

These are strenuous days, Mr. President, but the strenuosity that marks them is hardly a justification for the radical departure from the principles of sound statesmanship of our most recent and illustrious Presidents and their Cabinets, and they but followed in the footsteps of the Presidents who went before them.

The President of the United States admits that he has no right to recognize Panama under the law of nations—he deliberately admits it—and practically says in words: "What are you going to do about it?" Let us see what he says:

*I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence.*

Let us reflect upon that language of the President. It has been the contention of Senators upon this side, whether they favor the treaty or not, and it is the admission of the calmer and the more deliberate of the Senators upon the other side, that under the well-settled law of nations the President was without authority to recognize Panama; more than that, he was forbidden to do so under the circumstances attending that act, and the President says this is true. He continues:

This rule is derived from the principle of nonintervention, and as a corollary of that principle has generally been observed by the United States.

I would ask the defenders of this Panama transaction to point out when and where it has not been observed; where and when in all the history of the United States in our dealings with revolutions in other countries has this country recognized a seceding section until it had demonstrated its power to maintain its independence without that recognition?

The President further says:

But, like the principle from which it is deduced, the rule is subject to exception; and there are in my opinion clear and imperative reasons why a departure from it was justified and even required in the present instance.

He admits a departure from the rule, but he says there were clear and imperative reasons justifying it, and then he gives the reasons:

These reasons embrace, first, our treaty rights; second, our national interests and safety; and third, the interests of collective civilization.

Mr. President, it is not necessary to refer again to the treaty of 1846 or to any other treaty for the purpose of showing that there was no right conferred upon the United States by any such treaty to interfere in any way with the sovereignty of the Republic of Colombia over every one of its nine Departments. The statement of the President that our treaty rights justify his departure from the general rule is wholly voluntary and absolutely baseless, and I think it will call into play the utmost ingenuity and the most reckless line of argument to maintain the shadow of the shadow of a pretense that the treaty warrants such a claim.

The next reason, which he says is imperative and clear, is that founded on our national interests and safety. I supposed that so far as Colombia was concerned our national interests were guarded by the treaty of 1846, a treaty which is yet in existence, which Colombia, notwithstanding the tremendous provocation, has not yet seen fit to denounce. Our national interests and safety. Who is threatening the safety of the United States? It is true that in case of war our fighting ships might go from the Pacific to the Atlantic and the reverse more speedily by way of an isthmian canal than by the Cape, but who ever before suggested that the mere matter of convenience was a justification for interfering with the sovereign rights of an independent republic?

It is an absurdity to suggest that our national safety is at this time imperiled to a greater degree than it has been in the one hundred and twenty years of national life. This country has grown great and strong; its Navy has been reenforced; its people are of the fighting type and character that makes them resistless on the field of battle. Who but the President will suggest that the safety of the United States is so imperiled from any quarter as to warrant his claim that the safety of our country justifies his total and aggressive disregard of the treaty and international rights of not only a sister republic, but our ally by treaty and common interests?

But what next does he say?

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal.

That our position as the mandatary of civilization has been by no means misconceived is shown by the promptitude with which the powers have, one after another, followed our lead in recognizing Panama as an independent state.

The Senator from Wisconsin [Mr. QUARLES] properly said yesterday that "collective civilization" and the "mandatary of the collective civilization of the world" are new phrases. They are new phrases. The President, when he penned them, must have been in a state of mental exaltation; and there are such occasions in the lives of many men. There were Mohammed, Joe Smith, and Dowie, and others whose minds at times moved in the realms of space and led them when in that exalted atmosphere to imagine themselves the vicegerents of Jehovah. The President, when he advanced the claim, to justify despoiling Colombia of its most prized department, that the United States was "the mandatary of collective civilization," to do the job must have abandoned the field of treaty obligations, of international law and national morality to soar where imagination supplants reason and fiction is divorced from fact.

When we speak of "civilization" we mean the improved condition of man resulting from the establishment of social order, in place of individual independence and the lawlessness of savage or barbarous life. It may exist in various degrees. It is susceptible of continual progress. Such is the definition by Guizot.

Mr. President, civilization means respect for law, regard for the obligations of duty, coveting neither a man's wife nor another country's territory; yet we find this Administration leading in an act admitted to be in violation of the rules of international law, that strips Colombia of a large section of its territory, while maintaining that it was compelled to do so by the mandates of collective civilization.

If the President had followed the mandates of collective civilization, he would have learned his duty from the treaty of 1846. He would have followed the paths hewn out by Lincoln and Seward, by Cass and Pierce, by Grant and Fish, and by Cleveland and Bayard, and he would have respected the sovereignty of our treaty neighbor.

Akin to this and in line with it, I may refer to an historical event which shows that other American statesmen have at other times, and in what they believed were other critical periods of the nation's history, appealed to something above the law and honest duty. The Senator from Rhode Island, in the controversy over the Cuban treaty, referred to the Ostend manifesto. In 1854 Messrs. Buchanan, Mason, and Soule, the ministers of the United States at London, Paris, and Madrid, met at Ostend and issued a joint declaration advising the purchase of Cuba by the United States for \$120,000,000, and having given this advice they proceeded to say in this manifesto:

If Spain, dead to the voice of her own interest and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the United States under the circumstances?

And these three American ministers answered the question for themselves. They said:

After we shall have offered Spain a price for Cuba far beyond its present value, and this shall be refused, \* \* \* then by every law, human and divine, we shall be justified in wresting it from Spain, if we have the power.

It is the same doctrine as that preached in the year 1904 by the President and his Cabinet. They propose to do lawless acts, sanctified, as they claim, by every law, human and divine, and, in responding to the commands of collective civilization. They unblushingly disregard the rights of nations, set up their own standard of right in dealing with them, and insist that they shall have what they want, though lawless force is the agency to acquire it.

Mr. President, the first Republican national convention, a convention over which one of my then townsmen in Indiana, the Hon. Henry S. Lane, presided, met not long after the Ostend manifesto, and expressed itself about it in a platform plank in the following language:

The highwayman's plea that "might makes right," embodied in the Ostend circular, was in every respect unworthy of American diplomacy, and would bring shame and dishonor upon any government and people that gave it their sanction.

It is true that in that day they wanted Cuba to help maintain the balance between the free and the slave States. In this day we want the Isthmus of Panama for a canal for the more convenient passage of steam vessels. That is the only difference. It is the same plea in effect. It is the higher law. It is the casting behind by those high in power of that which is declared to be the supreme law of the land.

I will now take up the question of the good faith of Colombia and of this country in dealing with the Panama question and what is known as the Hay-Herran treaty. The Spooner law was passed, and under it a treaty was framed between the diplomatic representatives of the two Governments for the building of the isthmian canal. But I take it that that treaty was nothing more



than a proposition until ratified by the ratifying power of both Governments. Under the Constitution of this country it had to be ratified by the Senate; under the constitution of Colombia it had to be ratified by the Colombian Congress; and until it was so ratified it could have no dignity beyond that of an instrument that was prepared for the consideration and ratification or rejection of the ratifying bodies of the contracting nations.

I recollect very well when that identical treaty came before this body for ratification. The controversy over it was long and fierce. A number of Senators believed it was their bounden duty to vote against its ratification, and they did. Suppose that number had been in the majority. That would have been the end of the treaty, and who will question the right of this body—no one will question its power to decline to ratify that or any other treaty presented to it?

Mr. President, I understand that there are treaties of amity and commerce between the United States and foreign nations, negotiated by our diplomatic representatives, that have been in the Committee on Foreign Relations for years and years, not ratified, and never will be ratified. Will anybody suggest that because the United States decline to ratify the pending treaty with France or a treaty with Germany or a treaty with Great Britain, there is a *casus belli*? The Congress of Colombia was and is as independent as the Senate of the United States. The duty resting upon the members of that body was just as solemn as the duty resting upon this body. It was their right to receive that treaty and discuss it, and if in their judgment it was not for the best interests of their country to ratify it, undeniably they had the power and it was their bounden duty to reject it.

Mr. FAIRBANKS. Will the Senator from Colorado allow me to interrupt him?

Mr. PATTERSON. Certainly.

Mr. FAIRBANKS. Do I understand that anybody has disputed the right of the Colombian Congress to deliberate on the treaty and amend it if they saw fit?

Mr. PATTERSON. Nobody in this Chamber has publicly denied their right, but the chief cause of offense to the President by Colombia is that the Congress of Colombia, in the exercise of its sovereign right, did not ratify the Hay-Herran treaty. This the President makes very plain in his messages.

Mr. FAIRBANKS. I do not understand that the Administration took the position that the Colombian Congress was obliged to ratify the treaty as it was sent to them, without deliberation or amendment, if they saw fit to amend it.

Mr. PATTERSON. I will show you from the official correspondence that the Administration did threaten Colombia with serious consequences in the event that it did not ratify the treaty.

Mr. CARMACK. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PATTERSON. Certainly.

Mr. CARMACK. I think the President, in his message, characterized Colombia's rejection of the treaty as an unfriendly act toward the United States.

Mr. PATTERSON. We will see just what was done about it. In the first place, while it is true that Colombia desired that a treaty for the construction of a canal should be entered into between it and the United States, it is also true that the treaty when framed was not in conformity with the expressed desires of the Colombian Government. One would imagine, reading the messages of the President, that the Government of Colombia had executed a perfected treaty almost in the very terms that Colombia desired, and that the Government itself, the treaty-making power, had subsequently rejected it. Such is not the case, as is practically admitted by the question of the Senator from Indiana. But I desire to call attention to the points wherein the treaty as framed was not in conformity with the desires of the Colombian Government. In a communication from Luis Carlos Rico, the Colombian secretary of state, to Minister Beaupré, he calls the attention of our minister to the differences between the wishes of Colombia and the provisions of the treaty. He says:

There is a very notable difference between some of the propositions presented by Colombia and the respective modifications introduced by the United States.

That difference is apparent comparing the memorandum presented by the Colombian legation on March 31, 1903, with the proposed bases by the Secretary of State, especially those referring to the sovereignty of the zone, judicial jurisdiction in same, and the price of compensation for the use of the same for the mere proprietorship of the Panama Railroad, and for the rent of \$250,000 demanded for the same railroad, likewise as to the rights, privileges, and exemptions which she gave.

It is further to be observed that in the memorandum of the legation the establishment of tribunals in the zone was not mentioned, while the Secretary of State, in a project sent with his note of November 18, 1902, proposed it, and that they be divided into three classes, Colombians, Americans, and mixed; as also in the Colombian memorandum, a sum of \$7,000,000 American gold was asked and an annual sum which was to be determined as a price for the enjoyment of the railroad and fee for use of the zone, and in attention to other circumstances. The Secretary of State only offered a sum of \$7,000,000 and an annual rent of \$100,000, or if preferred, a sum of \$10,000,000 and an

annual rent of \$10,000. The Government ordered the legation to ask a sum of \$10,000,000 and an annuity of \$800,000.

And, by the way, that is the amount of revenue that Colombia, up to the very hour of the forceful wresting of Panama from it, had been receiving from the Panama Railroad.

The Secretary of State, in a note which had the form of an ultimatum, reduced the rent to \$250,000. The diminution of \$350,000 in a period of only one hundred years represents a difference of \$35,000,000, and as the convention will probably last more than a century, it is clear that the difference is no light matter, but of much consideration.

Thus we see—

Mr. MORGAN. Will the Senator from Colorado allow me to submit one observation in connection with that?

Mr. PATTERSON. Certainly.

Mr. MORGAN. In April, 1902, Mr. Hay and Mr. Concha, minister from Colombia, agreed upon a treaty, and Mr. Hay informed Mr. Concha that the President had directed him to sign that treaty whenever the Congress authorized the President to make such a treaty—not that treaty, but such a treaty—and that treaty signed by Mr. Concha contains many provisions in favor of Panama which were stricken out by the Hay-Herran treaty after the passage of the Spooner law.

Mr. PATTERSON. Undoubtedly, Mr. President, the treaty is not what the Government of Colombia wanted, and yet its representative was willing to sign it, doubtless hoping that the Colombian Congress could be induced to ratify it. And the treaty thus framed was sent to Colombia.

What was the situation of the parties? The United States had its Senate, to which the treaty was sent; Colombia had its Congress elected for the purpose of considering the treaty. The Senator from Indiana does not deny the right of the Colombian Congress not only to consider a treaty, but to reject it; and I think he will be frank enough to say that such a rejection was no justification, not even an excuse, for the assumption of an unfriendly attitude toward that Government.

But I call the Senate's attention to this extraordinary condition of things. The Secretary of State, when the Colombian Congress met, when it was engaged in the consideration of this very treaty, deliberately, through the American minister, communicated the gravest insult he well could to that Congress. Let us take this situation: While we had the last Hay-Pauncefote treaty before the Senate, if Great Britain, through its minister at Washington, had caused to be communicated to the Senate that if the Senate did not ratify the treaty the friendly understanding between the two Governments would be so seriously compromised, that action might be taken by the British Parliament that every friend of the United States would regret, what would the Senate of the United States have done? It would have thrown the treaty out without further consideration. It would not have given another minute to its consideration. It would have resented such an insult in other ways than by failing to further consider the treaty.

I call your attention to the attitude of the Secretary of State toward Colombia. As early as June 9, Mr. Hay sent the following telegram to our minister at Bogota. The Colombian Congress was not proceeding according to the ideas of Mr. Hay nor, presumably, the ideas of the President. The President was not used to having a Congress of any kind thwart his wishes. He had been able, upon several occasions, to bring at least the Republican side of the Senate to any of his new-fledged views by a process of rough riding—for which he is entitled to the patent—and doubtless he felt that he could do the same thing with the Congress of a weak foreign country. Mr. Hay sent this communication to our minister at Bogota:

DEPARTMENT OF STATE,  
Washington, June 9, 1903.

The Colombian Government apparently does not appreciate the gravity of the situation. The canal negotiations were initiated by Colombia, and were energetically pressed upon this Government for several years. The propositions presented by Colombia, with slight modifications, were finally accepted by us. In virtue of this agreement our Congress reversed its previous judgment and decided upon the Panama route. If Colombia should now reject the treaty or unduly delay its ratification, the friendly understanding between the two countries would be so seriously compromised that action might be taken by the Congress next winter which every friend of Colombia would regret.

Now, if that was intended to be communicated to the Colombian Congress, it was a threat open and direct.

Mr. MORGAN. It was communicated.

Mr. PATTERSON. I will come to that. It was a menace of some punishment of Colombia by the United States if the Colombian Congress refused to ratify the treaty. The Senator from Indiana [Mr. FAIRBANKS] shakes his head; but, Mr. President, I take it that this language contained in a dispatch from Great Britain to the United States, if sent while we had under consideration the Hay-Pauncefote treaty, would be taken as an inexcusable threat and insult—

Mr. FAIRBANKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield?



Mr. PATTERSON. Certainly.

Mr. FAIRBANKS. The Senator knows I do not wish to interrupt him unduly.

Mr. PATTERSON. I yield. The interruption is entirely satisfactory.

Mr. FAIRBANKS. I think the Senator, who is fair, puts an erroneous construction upon that language. As we are all advised, there are two routes contemplated by the Spooner Act, and I can see that the Administration might very well lay before Colombia the possibility of the adoption of the Nicaragua route if they should by undue exaction drive the Administration away from Panama. I think all the Secretary of State had in contemplation in this dispatch was that Congress might take the matter in its own hands at the ensuing session and possibly adopt the Nicaragua route. The suggestion of the possible use of any force was not within his purpose; I have no doubt of that.

Mr. PATTERSON. Mr. President, the Spooner Act was communicated to the Colombian Government along with the treaty. The Spooner Act stated in the most explicit terms that if within a reasonable time the President could not negotiate for the right of way across Panama, then it was the duty of the President to negotiate with Nicaragua for that route, and to commence the construction of the canal across it.

Mr. CARMACK. Will the Senator from Colorado permit me?

Mr. PATTERSON. Certainly.

Mr. CARMACK. The language used there is that Congress might take some action which the friends of Colombia would regret. It did not require any action of Congress to go to the Nicaragua route. That was already provided for in the Spooner Act. The President himself was directed to go to the Nicaragua route in the event he could not make an arrangement with Colombia, and it did not require any action of Congress. So it seems to me that on the face of it that language could not have referred to the alternative proposition of the statute.

Mr. FAIRBANKS. I will ask the Senator if it would not have been entirely proper for the President to have called the matter to the attention of Congress upon its reassembling? He was authorized by the Spooner act to adopt the Nicaragua route after a reasonable time had elapsed, failing to secure a proper concession from the Republic of Colombia. I think it would be quite competent and proper for the President, if he had failed during the vacation, to negotiate a suitable treaty with Colombia, to bring the matter back to the attention of Congress for its further consideration.

Mr. CARMACK. That may be, Mr. President, but if the Senator will permit me—

Mr. FAIRBANKS. If the Senator will permit me further, the President had power undoubtedly under the Spooner act, but in a matter so important, where the Congress had expressed its opinion so strongly in favor of the Panama route, I think it would have been entirely proper for him to have brought this subject to the further attention of the Congress before finally adopting the Nicaragua route.

Mr. CARMACK. That may have been, but the President in his message, in justifying the action he did take in the matter, refers to the fact that he had forewarned Colombia, apparently referring to the action he took in making an arrangement with Panama. He says himself he had looked forward to making such an arrangement, and the implication certainly from his message is that that was intended as a warning that he would do something else besides executing the alternative provision of the Spooner act. Again, our minister, Beaupre, was interrogated by the minister for foreign affairs as to what that did mean, whether it meant to execute section four of the Spooner act or to do something unfriendly to Colombia, and he declined to give any explanation or to make any statement on it. It is true that Secretary Hay did later send in a communication threatening to put into execution the alternative provision of the act.

Mr. FAIRBANKS. I think that is all the Secretary had in mind in the use of the language in question.

Mr. PATTERSON. In this connection it is better that there shall be no misunderstanding. The President in his message says:

That there might be nothing omitted, Secretary Hay, through the minister at Bogota, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty.

But, Mr. President, this telegram from Secretary Hay was intended to be communicated to the Congress itself, as the closing paragraph shows:

Confidential. Communicate substance of this verbally to the minister of foreign affairs. If he desires it, give him a copy in form of memorandum.

HAY.

But that was not all. Our minister communicated to the Colombian Government the following:

I avail myself of this opportunity respectfully to repeat that which I already stated to your excellency, that if Colombia truly desires to maintain the friendly relations that at present exist between two countries, and at the same time secure for herself the extraordinary advantages that are to be

produced for her by the construction of the canal in her territory, in case of its being backed by so intimate an alliance of national interests as that which would supervene with the United States, the present treaty will have to be ratified exactly in its present form without amendment whatsoever, I say this because I am profoundly convinced that my Government will not in any case accept amendments.

It was not a question with Minister Beaupre, or of Secretary Hay, of the United States adopting the alternative of the Spooner Act. It is a notification to the Colombian Government that it must not be amended in any form if the Colombians desire to maintain the friendly relations that at the time existed between the two Governments. I care not what government it may be, however weak and despised, if it has the right of determining a given course for itself, it is less likely to yield that which it objects to under such a threat than if pacific measures had been followed.

But, Mr. President, Colombia is a State with 4,000,000 people, of mixed blood very greatly, it is true, and of a peculiar temperament, fastidious upon questions of honor and of dignity. What was to be expected of a representative body of that people when a great nation like the United States threatened to break off the friendly relations existing between them unless it ratified a treaty that the United States desired? If the President had sought means to defeat the treaty, he could not have pursued a course more certain to accomplish that end, and as he is a rational man and from his long experience is supposed to know what influences the human mind, especially when a question of patriotism is involved, he must have known, when he threatened the Colombian Congress with the severing of friendly relations with the United States unless that Congress ratified a treaty, it was the sure and certain way of securing its rejection.

We find in the correspondence that this threat was read to the Colombian Congress, and let us see with what result. It was intended to be communicated to the Colombian Congress. In one of the letters of the American minister, discussing this ultimatum, as it were, from the President to Colombia, we find the following:

My memorandum and notes, in which I pointed out that the Colombian Government did not apparently realize the gravity of the situation, and that if Colombia should now reject the treaty or unduly delay its ratification the friendly understanding between the two countries would be so seriously compromised that action might be taken by our Congress next winter which every friend of Colombia would regret, was received with loud murmurs of disapproval by the densely packed gallery.

The gallery of the Colombian Congress. And why should it not be? It fed the fires of anger and discontent, if any were aflame at that time. Colombians knew that the United States were strong and rich, and they were weak and poor. They must have believed that the threat was an insult offered only because of the difference in their stations. That the treaty was not ratified may be largely traced to the inconsiderate and insulting attitude of Secretary Hay to the Colombian Congress. It, if no other provocation existed, would have insured its rejection.

Our minister, under date of July 31, writes to Secretary Hay as follows:

Instructions heretofore sent to you show the great danger of amending the treaty.

The PRESIDING OFFICER (Mr. KEAN in the chair). Will the Senator from Colorado suspend for a moment?

Mr. PATTERSON. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the Calendar of General Orders. The first bill on the Calendar will be stated.

The SECRETARY. Order of Business 13, Senate bill 887, for the purchase of a national forest reserve in the southern Appalachian Mountains, to be known as the National Appalachian Forest Reserve.

Mr. PETTUS. I ask that the Senator from Colorado may be allowed to proceed with his argument.

The PRESIDING OFFICER. The Chair understands the request of the Senator from Alabama to be that this bill be temporarily laid aside, and that the Senator from Colorado may proceed with his remarks. Is there objection? The Chair hears none, and it is so ordered.

Mr. PATTERSON. Mr. President, I desire to call attention to another matter in connection with the suggestion that Colombia committed some unforgivable offense by its failure to ratify the treaty. It is shown by the official correspondence that the Spooner Act was communicated to the Colombian Government with the treaty. Therefore, that Government knew its terms. What alternative did that act present to the Colombian Government, and what did Colombia have a right to expect would be the only penalty it would suffer if it should not ratify the treaty? The Spooner Act required that the President, if he did not secure the right of way and other concessions for the Panama route within a reasonable time, should negotiate with Nicaragua, and, having secured the proper terms, commence the construction of that canal. Colombia was practically informed by the United States that the penalty to be visited upon it for refusing to ratify the



Hay-Herran treaty would be that Colombia would not get the benefit of the canal that was to be constructed.

And did the Spooner Act not give to Colombia the right to accept the alternative? The Spooner Act plainly said to the Government of Colombia, it is not a matter of very great moment to the United States whether you ratify this treaty or not; there are two routes; the Congress of the United States prefers the Panama route, but it is just about as well satisfied with the Nicaraguan route as with the Panama route; we give you an opportunity to ratify a treaty by which you will secure the canal across your territory, but if you do not, then the President will, as directed, negotiate with another government and dig a canal across the territory of that government.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. In the connection in which the Senator is just speaking, I would remind him as to the contention of the President that Congress had selected this route and practically given instructions that no other shall be earnestly and honestly attempted to be obtained; that the House of Representatives by a vote of 302, I think, to 2—

Mr. PATTERSON. Three hundred and nine.

Mr. TILLMAN. Well, the House of Representatives, by three hundred and something to 2—practically nothing—voted for the Nicaraguan route, and they only accepted the Spooner compromise in conference. Therefore the contention that the Congress as a Congress selected the Panama route as a finality is unproven and can not be maintained.

Mr. PATTERSON. Mr. President, that is true, and I may refer to that feature more at length before I conclude. But what I am endeavoring to make clear is the alternative that was presented to the Colombian Government, and the only alternative. It was presented to it in such a way that that Government had a right to believe that it would not be considered an unfriendly act for it to reject the Hay-Herran treaty. As I said before, that treaty reached Colombia in this form: "Accept this treaty if you will. The United States prefers the Panama route; but if you do not accept it, it is not a matter of very great account to us. There is another route that the United States can secure so nearly equal to this in desirability and advantages that the mere matter of \$5,000,000 in the cost of construction bridges the chasm." That is the case, provided Congress and the President, when they adopted the Spooner Act, were in earnest and did not include the alternative as a fraud upon the United States and a bluff to coerce Colombia into an acceptance of the treaty.

I understand that the Assistant Secretary of State Loomis, in a speech in New York—and I shall be corrected if I misstate his speech—in effect stated that the President never had a thought of constructing a canal along the Nicaragua route; that he held that route to be impracticable and in every way undesirable, and that from the first he stood for the Panama route, and practically it would be the Panama route or none.

If such is the case, then the Government of the United States was not honest with Colombia. When it presented the Spooner Act, in connection with the Hay-Herran treaty, it was an invitation to Colombia to exercise its judgment and to exercise it freely and without restraint, so far as the United States were concerned, because the United States had another string to its bow—that is, that if it did not secure Panama, then it would, under the direction of Congress, dig a canal via Lake Nicaragua. So Colombia accepted the alternative. It was not that Colombia did not want the canal. A reading of the official correspondence between the American minister and the Colombian secretary of state discloses that Colombia was anxious for the canal, but it was unwilling that it should be constructed under the terms and provisions of the Hay-Herran treaty.

The correspondence further discloses beyond peradventure that the Colombian Congress wished to amend the treaty and to again submit the treaty in due and orderly course, as amended, to the Government of the United States, and that our Secretary of State, representing the views of the President, in the most explicit terms informed the Colombian Government over and over again that Colombia should accept that treaty without the dotting of an "i" or the crossing of a "t," and that it would not be accepted by the United States in any other form.

The correspondence also discloses that the reason Colombia did not insert the amendments they wished in the treaty was, first, on account of these repeated statements by the American diplomatic representative, and, next, because they wished to leave the ground entirely free and open when the authorities of the two Governments should again meet for the purpose of preparing a new treaty to be submitted to both Governments.

Mr. President, I do not believe there has been a more earnest advocate of the Isthmian Canal than myself. In season and out

of season, before coming to this body and since, I have urged it. I believed it should be constructed via Nicaragua. From my investigation I became convinced that was the most practicable and desirable route; that that route would best subserve the interest of the United States; that a canal could, in fact, be constructed more cheaply there, and that there were fewer difficulties to overcome. I had become convinced, and that conviction has not been removed or impaired in any degree, that there are obstructions in the Panama route that have not yet been solved, and that the successful construction of the canal is still within the realm of experiment.

When the Nicaragua route was rejected, I voted for the treaty for the Panama route, and I believed, as did every Senator when that treaty was ratified, that the President would observe the commands of the Spooner Act faithfully and without reluctance.

What condition has confronted the people of the United States and the Senate? Certainly not one that was anticipated when the Spooner Act was passed and the Hay-Herran treaty was ratified. We all believed in the possibility of the rejection of that treaty by Colombia. We knew it was within the power and the purview of that Government to either ratify or reject or amend it. We believed that if it were rejected, the President, obeying the law, would immediately take steps to secure the canal via Lake Nicaragua. Now, who could have anticipated that when this Congress met, Nicaragua would be wholly abandoned, Colombia would be flouted, that Panama would be revolutionized into an independent Government, and that the United States, in violation of its treaty obligations and of the admitted rules of international law, would have first abetted the secession and then negotiated a treaty with that mushroom Republic?

Mr. President, it is a matter of some moment as to whether there was or was not complicity upon the part of the United States in this Panama uprising. The President states in most emphatic terms that no member of the Administration either aided, or abetted, or encouraged it. I will not take issue with the President. It is not for me to say that, as he sees the truth, he does not speak it, but I have a right to call the attention of the Senate and the country to certain incontestable facts, so that the country may determine whether or not—unconsciously it must be as the President is an honorable man—that he is, to an extent, at least, responsible for the condition that now exists.

We discover, Mr. President, that in the summer of last year while the President says there was still hope that the treaty might be ratified he had two possibilities in mind; he was thinking of the very condition that followed—a secession by the Panamanians—and if that did not occur, then a proposition to Congress to seize Panama willy-nilly, pay to Colombia what the United States believed to be a fair compensation, and let Colombia do the best it could in its helplessness.

The President professes in his message great indignation against the Colombian Government, because some of its officials suggested that the concessions which were given to the New Panama Canal Company might be withdrawn and that Colombia might treat with the United States for the Panama route under circumstances that would permit Colombia to obtain the benefits that were to go to the New Panama Canal Company. The President expresses great horror and indignation at the suggestion of such a thing, not made by the Government of Panama, but by some of the officials of that Government; but he does not hesitate to state to the world that he proposed to submit to Congress a proposition to forcibly take Panama from Colombia and dig the canal without its consent. I do not know, Mr. President, which is the more honorable, whether measured by individual morals or international morals, a proposition to withdraw in a legal way something that has been conferred, or a proposition to seize through sheer might and power that which undeniably belongs to another.

The President in his message says:

My intention was—

Before the Colombian Congress adjourned, when he believed that the treaty would not be ratified—

to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

Is not that a statement to the country that the President contemplated arranging for the secession of Panama, that it was his purpose, long before the so-called revolution occurred at Panama, to submit a proposition to Congress to arrange for the canal with Panama? He could not do it unless Panama had been induced to secede and to set up a government for itself, propped upon the bayonets and the guns of the United States. Further, the President says:

A third possibility was that the people of the Isthmus, who had formerly constituted an independent state, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protec-



tion of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Everyone knew that it was a possibility, but it was not until toward the end of October that it appeared to be an imminent probability.

The President is right when he says that the secession of Panama was spoken of; that it was discussed in the press of this country; that it was spoken of in Bogota; that the Government of Colombia had been warned that such a thing might occur. That is true; but it is also true, Mr. President, that the President of the United States, long before the adjournment of the Colombian Congress, was considering two things: First, the probability of being compelled to seize Panama and take it out of the Colombian sisterhood of States by sheer force and negotiate with Panama for the construction of the canal, or, if a revolution occurred, to take advantage of that and negotiate with the revolutionary government. That was in the President's mind most undeniably.

Mr. President, do you doubt—can any man doubt who reads this message—that the President not only contemplated these things, but consulted about them with his intimates? The President speaks his mind freely; and whether directly with representatives of the Panama revolutionary junta or not, it is beyond question that those who were devising the Panama secession had ample information from those who had a right to know what the purpose of the President was, and they were going to take advantage of it.

To that extent, Mr. President, he is responsible. He had conceived the probability of the secession of Panama under his own guidance. He does not pretend that he did not express his opinions and desires freely; and that being the case, it does no violence to the President to suggest that his views and purposes were known, considered, and believed in by those who comprised the Panama revolutionary junta. Thus we find that long before the revolution occurred—if we can dignify it by that name—the President was contemplating preparations for it.

Mr. PLATT of Connecticut. Will the Senator allow me to ask him a question before he passes from the last subject?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. PATTERSON. Certainly.

Mr. PLATT of Connecticut. Does the Senator think that there would have been any impropriety in the President consulting Congress with reference to what he would do in case Colombia rejected the treaty?

Mr. PATTERSON. No, sir. But I do think, Mr. President, answering the Senator from Connecticut, that there was grave impropriety in the President suggesting to Congress an act of treachery to a sister Republic. I do believe that it was a grave impropriety for the President to have determined to submit to Congress the proposition that it should ignore Colombia and deal with a section of Colombia—namely, the Department of Panama, for the canal, knowing that he could not do so unless he could induce Panama first to secede from Colombia and set up a government of its own.

To propose such a thing to Congress would, I take it, have been an insult to the integrity and the honesty of Congress. Certainly this body did not and could not have anticipated the submission to it of a proposition such as that, and I take it, Mr. President, that if the secession had not occurred and Congress had been convened, if the President had in cold blood submitted to it the proposition to unite with Panama to wrest it from the Government to which it owed allegiance in order that the United States might deal with it as an independent nation to secure the canal, that the proposition would have been indignantly spurned by every Member of Congress, both Senate and House.

Mr. PLATT of Connecticut. I am not so sure of that.

Mr. PATTERSON. No; perhaps I ought not to be so sure either. Perhaps I spoke with a little too much certainty, because, Mr. President, we have witnessed strange things. Who would have supposed six months ago that the President would have sent American vessels of war to Panama, both upon the Atlantic and Pacific sides, upon orders to prevent Colombia landing or marching troops for the purpose of maintaining its sovereignty in Panama, and that the Republican majority would as one man approve the act? But, Mr. President, the power of an Administration has been displayed many times, not alone by this Administration but by others. I have seen an Administration secure a treaty that the judgment of the Senate of the United States was against by a large majority. I have seen an Administration secure approval of an act that if presented by somebody else than the President would have been treated as an insult to the entire body.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. PATTERSON. Certainly.

Mr. PLATT of Connecticut. We have been listening to im-

peachments of the President, and now we are listening to an impeachment of Congress.

Mr. PATTERSON. Well, Mr. President, it is quite well enough to impeach Congress occasionally in its collective capacity. It is not above it. It is not anointed from on high. All the wisdom and all the virtue of the country does not lodge in Congress, and some of its acts are neither to be condoned nor approved.

Now, with both of these alternatives in the mind of the President, what do we discover? But first I call attention to another statement by the President. He urges the small number of marines on the *Nashville* and that were landed at Colon on the report of danger to American residents, as proof that the Administration had no participation in the Panama revolt. If it had, would there not have been a much heavier American war force on hand for the occasion, he inferentially asks. The *Nashville's* men were landed on November 4. The *Nashville* reached Colon on the 2d. But it officially appears that the *Cartagena* with its troops was not expected until the 10th, and the *Cartagena* was the only Colombian vessel supposed to be heading for the Isthmus. I quote from the President's message:

Before this telegram was sent, however, one was received from Consul Malmros at Colon, running as follows:

"Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire department, Panama, 441, are well organized and favor revolution. Government vessel, *Cartagena*, with about 400 men, arrived early to-day with new commander in chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution."

Except the Colombian troops that would arrive on the *Cartagena*, there were none in Panama but those who had been bought for the insurrection with the money supplied either by the banking syndicate in New York or that was taken out of the Colombian treasury at Panama.

Since the *Cartagena* was not expected until November 10, and that was the only vessel supposed to be carrying troops to Panama, well might the authorities here believe that the issuance of orders to different war vessels of the United States on the 2d of November would send them to Panama in ample time to afford the support to the contemplated revolution which the junta expected.

On the 2d of November then, before the revolution broke out, when it was known that, if a revolution occurred, Colombia would as speedily as it might send its forces to overcome it, the following order was sent from Washington to the *Boston*, the *Nashville*, and the *Dixie*:

Maintaining free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

This dispatch, Mr. President, required American war vessels to prevent the landing of Colombian troops within 50 miles of Panama. But another dispatch was sent to the same vessels on the same date by which the scope of action of our naval force was enlarged. The dispatch is as follows:

NASHVILLE, care American Consul, Colon:

Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point.

From every part of the Isthmus exclude Colombian forces from landing if they are landing with hostile intent. Hostile intent against whom and what? Not against the United States, but hostile intent against the insurgents who were expected to rise and overthrow their Government.

Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*.

And then the President tells to what other vessels similar orders were sent.

So, Mr. President, it must be perfectly clear, first, that the President knew of the uprising that was threatened; that the President had determined to prevent interference by Colombia with the uprising; that the President had made up his mind to defeat every effort of Colombia to overcome the rebellion of its subjects, not requiring of Panama to demonstrate its ability to maintain its independence as against Colombia. Pure, cold-blooded, deliberate participation with the rebels, though the President avers it was without previous arrangement, but undeniably the secessionists knew his mind. He tells us that his mind was made up.

It was along the line that his efforts afterwards went. Can there be any doubt that the President thoughtlessly, he maintains, played into the hands of the rebels at Panama? Of course it was for a purpose. To secure the Panama Canal in defiance of treaty obligations and the rules of international law. The law of nations provides the same rules of conduct for strong nations dealing with weaker ones that it does for strong nations dealing with those equal in strength and power. But this Administration has one rule of conduct for dealings with weak nations and an-



other rule of conduct by which to guide its actions in dealing with equal or stronger nations.

If the weaker nation has what we want, then in the name of collective civilization we will take what we want. If we can not get it directly we will get it by connivance and conspiracy and rebellion. I take it, Mr. President, that international law should be as binding upon the consciences of nations as the civil law is expected to be binding upon the consciences of individuals; that the one is as much to be respected and enforced by those in authority as the other, and when the head of a great nation fails to observe the commands of international law he is as much a violator of law as is a citizen who disregards statute law whether it be the criminal or the civil code.

Mr. President, the *Cartagena* arrived at Colon on the morning of the 3d. Its officers landed. The *Cartagena* had brought troops, a new governor, a new set of officials for Panama because the Government had been informed of the disloyalty of Colombian officials then in control of Panama. At that time Colombia relied upon the good faith of the United States. In all the dealings of Colombia with us it had had no occasion to doubt that the obligations the United States had assumed by the treaty would be faithfully observed, and that the United States as the controlling power of the Western Hemisphere would deal with Colombia as it would with the strongest power upon the face of the globe. It had faith in the justice and honor of the United States, and so Colombia sent troops to Panama, not to contend with the United States, but to replace troops whose loyalty it suspected and to replace Panama's local official force.

But what was discovered? As soon as the Colombian officers landed at Colon—Generals Tobal and Amaya—they were not only refused transportation over the Panama Railroad for their troops from Colon to Panama, the seat of Government, but by the chicanery of the railroad officials they were decoyed into going without their forces to Panama, into the very arms of the conspirators, whose treachery had not then been displayed in open revolt. They were thrown into the Panama prison on the evening of the very day they went to Panama. Then, after their arrest, after the last train from Panama to Colon had departed on the night of the 3d, the revolution came out into the open. It was immediately accomplished. There were no Colombian forces to oppose them, and a brass band, with some speeches, with the United States in the background, gave the secessionists their victory.

It was not until the morning of November 4 that information of the so-called uprising was communicated to the people of Colon. On the 3d Colonel Torres, who had been left in command at Colon of the Colombian troops, learned of the arrest of his two superior officers. He knew it was the result of treachery; that American officials, in conjunction with the Panama junta, had prepared the trap that led them to the prison. Torres demanded their release, and it was when denied that he, it is asserted, threatened the lives of Americans at Colon.

I now take up the *Nashville* incident, to which the Senator from Wisconsin [Mr. SPOONER] referred on yesterday. The following is the account given of it by Merrill A. Teague. It has never been disputed. He is a journalist of high repute. He visited Panama immediately after the disturbances. He wrote these letters and they were published in nearly a dozen different influential journals in the United States, and no issue has yet been taken with a single material fact that his story of the so-called revolution contains.

Mr. ALDRICH. Will the Senator from Colorado allow me to ask him a question?

Mr. PATTERSON. Certainly.

Mr. ALDRICH. Does the Senator assume that uncontradicted newspaper reports are reliable history?

Mr. PATTERSON. I have discovered that whenever a newspaper statement is made, especially in the press of the capital, of matters with which prominent members of the Administration are associated, if they are untrue and relate to material matters, they are pretty promptly contradicted. I might refer to a newspaper statement which attracted everybody's attention but a few days ago. It is unnecessary to be more specific. The Senator from Rhode Island, I think, will recall what I refer to.

Mr. ALDRICH. I do not.

Mr. PATTERSON. It was stated in the press that the Chief Executive had said that a certain gentleman, when he returned to Washington, would be compelled to fish or cut bait, and we know how promptly that was denied from the White House, and very properly, too.

This is the account given by Mr. Teague, and there is no account which differs from it:

It was at this juncture that Governor Mollendes—

Governor Mollendes was appointed mayor of Colon by the revolutionary government. He had been appointed on the evening of the 3d. He got back to Colon on the train on the morning of the 4th, and this new mayor, a mulatto, was the gentleman who re-

ported that Colonel Torres was about to assassinate all the American citizens in Colon.

It was at this juncture that Governor Mollendes executed a little coup of his own, to which American intervention is directly traceable.

The letters of this correspondent are written in the most friendly spirit to the Administration. They are in no wise hostile. In every one of his comments you can discover his direct and strong leanings to the Administration. So when he details facts of the revolution we may well conclude that he does not aim to do the Administration injustice. He writes:

It was at this juncture that Governor Mollendes executed a little coup of his own to which American intervention is directly traceable. Mollendes invited Colonel Torres, the Colombian commander, to meet him in conference at the Hotel Washington, another isthmian institution which is controlled by the Panama Railroad.

Employing all his persuasive abilities Mollendes urged Colonel Torres to reembark his troops and sail away, leaving the Isthmus to pursue its own course. This line of argument only increased Torres's bitterness. He became more defiant, even bombastic, and at 12.30 made a vehement threat that if Generals Tovar and Amaya were not given their liberty by 2 o'clock he would turn his battalion loose and slaughter every American in Colon. Nothing could have suited Mollendes and the other secessionists better than this threat. Mollendes waited not a minute after hearing Torres's avowal. Despite his excessive avoirdupois he broke from the conference room in the Hotel Washington and running all the way covered the 300 yards to the general offices of the Panama Railroad in remarkably fast time.

There he communicated to General Superintendent Shaler the nature of Torres's threat, and in a moment more a signal was going from the small tower on top of the railroad's general office, by wigwag, to the *Nashville* to the effect that the life and property of all Americans in the city were endangered. The long-desired excuse for American intervention had at last been discovered by the secessionists, and before Torres could have communicated with his force jackies were going over the *Nashville's* sides, constituting a landing party, small in numbers, but matchless for grit and ability to shoot.

So the threat to assassinate is based upon what? Based upon the report of Mollendes. He may have been truthful and he may not, but it is perfectly clear that such a threat was not in accord with the known attitude of Colombians toward the United States at every stage of this transaction and before it. The fact is, the Colombian Government and its army have ever shown respect for the prowess and strength of the American Army and Navy. It has been the policy of Colombia, communicated to the Colombian army, to commit no overt act that would bring Colombia in conflict with the United States.

The Senator from Wisconsin [Mr. SPOONER] asked me yesterday whether I approved the act of Commander Hubbard in bringing the American marines and sailors to Panama soil. I say I do. To him, when the communication was made, the threat was a fact that he could not trifle with, and he very properly ordered the men of his command to land and take a position that would enable them to protect the American population if it became necessary to do so; but there is this disclosed by the communication of Commander Hubbard itself: It is true that the landing and behavior of this small body of American marines was, under the circumstances, a brave and proper act; nevertheless, there was in reality no danger from Colonel Torres's force. Captain Hubbard does not claim that the Colombian force made or attempted to make any attack. The most he claims is that they sought to provoke the Americans into making an attack. The fair conclusion is that no attack by the Colombians was contemplated. But the feeling upon both sides was tense, and a slight indiscretion upon either side might have brought on a conflict.

My judgment is that there was no thought of an attack. If there had been, forty or fifty American soldiers would not have deterred 400 Colombians from striking. It would have been 400 against less than seventy. True, the Colombians knew the prowess of the American soldier, but tell me what army has not confidence in its own prowess? If the Colombians had been inclined to make an assault upon that occasion, numbering as they did six to one, the assault would have been made.

Mr. President, Torres was denied transportation for his force to Panama. The naval officers were compelled to deny it to him under the orders they had received from Washington. Under those circumstances it is not to be wondered at that they were willing to retire altogether from Panama. They were useless, not even ornamental. Respecting the power of the United States, taught as they had been to believe in the justice of the American nation, having no question at that time but that ultimately justice would be done to Colombia by the Government with which Colombia had been in treaty relations for more than seventy years, their passage being paid, they embarked upon a British vessel and left the railroad company, the American officials, and those who sympathized with the uprising, in complete control of Colon.

This, Mr. President, is a skeleton history of that uprising. This is the history, so far as the public has knowledge, and that is all by which we can be guided. No American can feel proud of his country as he reads it. The course of the President throughout all his dealings with that unfortunate country has been counter to the principles and actions of every previous Administration with Colombia and the South American republics. What has the President sought to gain? He had decided, so he and his



friends admit, to construct the canal by the Panama route or have no canal at all. In this resolution he defied the act of Congress that required him to proceed to Nicaragua when honorable negotiations for the Panama route failed.

And why this sudden and unjustifiable determination to force the Panama route? I recall that never until the last Congress was there any sentiment whatever in the United States for the Panama route. It all favored the Nicaraguan. In 1896 the Republican National Convention declared in its platform—

The Nicaraguan Canal should be built, owned, and operated by the United States.

In 1900 the platform was more general. It reads:

We favor the construction, ownership, control, and protection of an Isthmian canal by the Government of the United States.

The Republican majority in Congress gave construction to that declaration as soon as Congress met. In 1903 the Hepburn bill was introduced providing for the construction of the Nicaraguan Canal, and it passed the House by the remarkable vote of 309 to 2, and the two who voted against it, as I understand, are opposed to the construction of any canal whatever. So it may be said that the Republican House of Representatives as soon as Congress met after that platform declaration of 1900 spoke the meaning of the platform, and, so far as it could, provided legislation under which to construct a canal. By a practically unanimous vote the Republican house declared in favor of the Nicaraguan route.

That bill came over to the Senate. It was at that time that the amended report of the Isthmian Canal Commission was made, in which it was stated that in view of the lessening of the price to \$40,000,000 for the property of the New Panama Canal Company the Commission believed it would be better to adopt the Panama route.

Mr. President, in my opinion that was an evil day for the real friends of an isthmian canal. There was then injected into the controversy an element which had not been in it before. It was the equivalent of hanging up a purse of \$40,000,000 to be contested for. The New Panama company is composed largely of members of the old robber canal company, those who had learned their lessons in France and had paid a partial penalty for their misdeeds. They had learned the efficacy of immense sums of money in corrupting public sentiment in the purchase of newspapers and other influence in the building up of lobbies to haunt legislative chambers.

Bmau-Varilla, one of the principals of the old Panama Canal Company, and its engineer, was appointed minister of the new Republic of Panama to the United States, when he had not even set his foot in Panama since 1886. He, the accredited minister of a new Panama Republic? No; the minister of the New Panama Canal Company, representing it. He received some sort of credentials from Panama, and he came here to lobby through, as he had lobbied through other governments, the scheme in which he is so deeply interested and from the success of which he will be immensely profited.

Mr. President, as soon as this purse of \$40,000,000 was hung up—because if the Panama route was adopted \$40,000,000 went to those who controlled it, while if Nicaragua was adopted, not a dollar would be available for anybody, and all that had been done at Panama was lost—I could almost see the delivery end of the venal press of the United States turned toward Washington, and with it came the manufactured change of sentiment. One by one the friends of Nicaragua dropped away. One by one the ranks of the Panama cabal were recruited, until by a small majority the Panama bill passed the Senate, went back to the House, and was acquiesced in by the House. The House had stood loyally for the Nicaraguan Canal, but rather than have no canal its Members changed their votes and gave their support to Panama.

This, Mr. President, is the history, so far as the country knows, of the sudden rise of Panama and the downfall of Nicaragua. Nicaragua has been the favorite route of the American people since the question of an isthmian canal has been discussed. More efforts have been made, by ten to one, by citizens of different nations and by different countries to secure a canal at Nicaragua than at Panama.

Examining the report of the Isthmian Canal Commission, I made a brief synopsis of what has been done from time to time in connection with it. Omitting the transactions of the very early dates, we find that in 1780 Spain had declared war against Great Britain, and an invading expedition under the command of Captain Polson was set out from Jamaica. Admiral Horatio Nelson, the great British admiral, then a post captain, was in charge of the naval operations. In his dispatches the latter stated the general purpose of the expedition as follows:

In order to give facility to the great object of government I intend to possess the Lake of Nicaragua, which for the present may be looked upon as the inland Gibraltar of Spanish America. It commands the only water pass between the oceans; its situation must ever render it a principal post to insure passage to the southern ocean—

The name by which the Pacific Ocean was then generally called—

and by our possession of it Spanish America is divided in two.

On the 8th of February, 1825, the envoy of the Republic of Central America at Washington, under command of his Government, addressed a letter to Mr. Clay, then Secretary of State, assuring him that nothing would be more grateful to "the Republic of the center of America" than the cooperation of the American people in the construction of a canal through Nicaragua so that they might share not only in the merit of the enterprise, but also in the great advantages which it would produce.

Mr. Clay made a favorable response to this communication, stating that if an investigation confirmed the preference which it was believed this route possessed, it would be necessary to consult Congress as to the nature and expense of the cooperation which should be given toward the completion of the work. Instructions were given to our chargé d'affaires in February, 1826, to put the President in possession of such full information upon the subject as would serve to guide the judgment of the authorities in the United States in determining their interests and duties in regard to it.

In June, 1826, the Republic of Central America decreed that proposals should be received for the right to construct an inter-oceanic canal via Lake Nicaragua, and entered into a contract with Aaron H. Palmer and his associates for its construction. The navigation and passage through the canal was to be common to all friendly and neutral nations. Palmer was unsuccessful in floating the enterprise and the contract was never executed.

Negotiations were entered into between the Central American Republic and a company of the Netherlands for the construction of a canal via Lake Nicaragua, and a basis for an agreement was adopted by the two houses of Congress in September and December, 1830. This effort also ended in failure.

After this failure the Congress of Central America turned to the United States and offered to grant to the Government the right to construct the canal. In response the Senate, on March 3, 1835, passed a resolution requesting the President to consider the expediency of entering into negotiations with the Republic of Central America and New Granada for the purpose of protecting by suitable treaty stipulations such individuals or companies as might undertake to unite the Atlantic and Pacific oceans by the construction of a ship canal across the American Isthmus and of securing forever to all nations the free and equal right of navigating it on the payment of reasonable tolls. President Jackson, acting upon the resolution, sent Mr. Charles Biddle to visit Nicaragua and Panama for the purpose of examining the different routes of communication, etc.

President Van Buren sent Mr. John L. Stephens to the Isthmus to examine and report as to the most feasible route. He recommended the Nicaraguan as the most desirable, but did not think the time was favorable for undertaking such a work because of the unsettled and revolutionary condition of the country.

In 1826 an English company sent out Mr. John Bailey to explore the country and negotiate for a concession. Failing in his main purpose, he remained in Central America, and in 1837 was employed by President Morazán to determine the best location for a canal. The route he favored was via Lake Nicaragua.

In November, 1827, Mr. J. A. Lloyd received a commission from President Bolívar to survey the Isthmus of Panama in order to ascertain the most eligible line of communication across it, whether by road or canal. He recommended a change of the route then used, but made no recommendation as to a canal.

In 1838 the Republic of New Granada granted a concession to a French company, authorizing the construction of roads, railroads, or canals across the Isthmus to the Pacific terminus at Panama. The company spent several years making explorations and communicated the results to the French Government. In September, 1843, M. Guizot, minister of foreign affairs, instructed Napoleon Garrela to proceed to Panama to investigate the question of the junction of both seas by cutting through the Isthmus and report the means of effecting it, the obstacles to be overcome, and the cost of such an enterprise. Garrela's report disappointed the expectations that had been raised by the projectors, and no further steps were taken in the matter and the concession was forfeited.

Then came the dispute with Great Britain as to the boundary line west of the Rocky Mountains, the war with Mexico, the cession of California, the organization of Oregon into a Territory, and the discovery of gold. These things made necessary better methods of transportation between the two oceans, and negotiations were entered into with the Government of New Granada to secure a right of transit across the Isthmus of Panama, which resulted in the treaty of 1846.

In 1849 the construction of the Panama Railroad was commenced, and the road was completed in 1855.



In June, 1849, Mr. Elijah Hise, for the United States, negotiated a treaty with Nicaragua, by the terms of which Nicaragua undertook to confer upon the United States or a company of its citizens the exclusive right to construct through its territory canals, turnpikes, railways, or any other kind of roads, so as to open a passage and communication by land or water, or both, for the transit and passage of ships or vehicles, or both, between the Caribbean Sea and the Pacific Ocean. In return the United States was to aid and protect Nicaragua in all defensive wars. Mr. Hise exceeded his authority in making this treaty and it was not approved by the Administration at Washington. He was succeeded by Mr. E. G. Squire, who negotiated another treaty of like character, with modifications. This treaty was not ratified.

The negotiations over these treaties led to the Clayton-Bulwer treaty of July 5, 1850. By this it was agreed, among other things, that the two contracting parties should support and encourage such persons or company as might first commence a ship canal through Nicaragua, with the necessary capital and with the consent of the local authorities and on principles in accord with the spirit and intention of the convention. A company had already been organized that had entered into a contract with Nicaragua that was protected by this treaty.

The following year a company availed itself of the privileges of a new contract and established a transportation line from Greytown up the San Juan River and across Lake Nicaragua by steamboats to Virgin Bay on the western side of the lake, and thence by stage coaches 13 miles over a good road to San Juan del Sur. In connection with steamship lines in the two oceans at the ends of the transit running to and from New York and San Francisco a regular communication was thus maintained between the Atlantic and Pacific ports.

In 1869 General Grant, in his first annual message to Congress, commended an American canal on American soil to the American people. Congress promptly responded to this sentiment by providing for further explorations of the Isthmus by officers of the Navy, and expeditions were organized and sent out for the purpose.

In March, 1872, a further resolution was adopted for the appointment of a commission to study the results of the explorations and to obtain from other reliable sources information regarding the practicability of the construction of a canal across the American continent. The President appointed on this commission Gen. A. A. Humphreys, Chief of Engineers, U. S. Army; C. P. Patterson, Superintendent of the Coast Survey, and Commodore Daniel Allen, Chief of the Bureau of Navigation.

The above-named canal commission had before them a report on the Nicaragua route made by Maj. Walter McFarland, Corps of Engineers, U. S. Army, who had been detailed by the War Department to aid in making these examinations. His report was highly favorable, and it placed the cost of the canal, which was to be 26 feet deep, at \$140,000,000.

The commission also caused a route for a canal along and near the line of the Panama Railroad to be surveyed, and a favorable report upon this line was presented. The commission had also before it surveys of various routes in Darien and the Atrato Valley, reports of which are printed as House Miscellaneous Document No. 113, third session of the Forty-second Congress. This interoceanic canal commission reports:

After a long, careful, and minute study of the several surveys of the various routes across the continent, we find that the route known as the Nicaragua route (here it is described) possesses, both for the construction and maintenance of a canal, greater advantages, and offers fewer difficulties from engineering, commercial, and economic points of view, than any one of the other routes shown to be practicable by surveys sufficient in detail to enable a judgment to be formed of their respective merits.

The Nicaragua route was again surveyed in 1885 under an order of the Secretary of the Navy, by Mr. A. J. Menocal. His report shows that the route is altogether feasible.

In December, 1884, a treaty was negotiated between the United States and Nicaragua authorizing the construction of a canal by the former over the territory of the latter, to be owned by the two contracting parties. While the treaty was pending in the Senate it was withdrawn by the President, who stated as a reason for his action that it proposed a perpetual alliance with Nicaragua and the protection of the integrity of the territory of that State, contrary to the declared policy of the United States.

In 1887 Nicaragua granted a concession to Mr. A. J. Menocal and others for a ship canal, but no construction occurred under that concession.

Then came the organization of the Maritime Canal Company for the construction of a canal over the Nicaragua route. The operations of that company are so recent that they need not be here repeated. Propositions to aid this company were before Congress for several years, through an arrangement by which the Government was to become a stockholder and an indorser of the company's bonds. A bill for this purpose passed the Senate in

January, 1895, but failed in the House. Another bill that retained the company organization, but eliminated the private or individual stockholders, was passed by the Senate in January, 1899, but no final action was taken upon it by the House.

In March, 1895, the sundry civil bill was approved. It by way of amendment provided for a Commission to ascertain the feasibility, permanence, and cost of the construction and completion of the canal through Nicaragua. It provided for a board of three engineers to be appointed by the President. One from the Corps of Engineers of the Army, one from the Navy, and one from civil life. Under regulations to be made by the Secretary of State this board was to visit and personally inspect the route, examine and consider the plans, profiles, sections, prisms, and specifications for its various parts and report to the President. The board was appointed and proceeded to Nicaragua in performance of its mission. Later a new Commission was appointed consisting of Rear-Admiral John P. Walker, U. S. Navy; Col. Peter C. Hains, Corps of Engineers, U. S. Army; and Prof. Louis M. Haupt, civil engineer. It was designated as the Nicaragua Canal Commission, Admiral Walker being named its president. This Commission was to have all the powers and duties conferred upon the former board and was to report upon the proper route for a canal in Nicaragua, its feasibility, and the cost of the work, with the view of making complete plans for the construction of such a canal as was contemplated.

This brings the history of the transits of the American Isthmus and of the efforts to discover or construct a navigable waterway from the Atlantic to the Pacific to the close of the nineteenth century in an abbreviated form, except that relating to the Commission under whose second report Congress has been proceeding.

Mr. President, in this connection I desire to call attention to a communication from Professor Haupt that is printed in the Manufacturers' Record upon the subject of the two routes and the controversy as it now exists. It is both suggestive and instructive, and I will be pardoned, I know, for calling the attention of the Senate to it. Professor Haupt is a distinct friend of the canal. He was a member of the Canal Commission. The communication I refer to is printed in the issue of the Manufacturers' Record of December 24, 1903. He comments upon the attitude of the Administration toward Colombia and Panama, but I will not occupy the time necessary to read that. I will, however, quote what he says about the Nicaragua and Panama routes. He says:

In view of the sequel, as revealed by recent events, it would seem that the program to substitute the Senate for the House bill was an adroit piece of legislation, and that the apparent discretionary power was introduced to secure the passage of the bill with a determination to adhere to the Panama route, because it was regarded as the least injurious to the interests which have always opposed the isthmian waterway, and possibly, also, with a prescience of the ease with which its construction could be indefinitely postponed.

Of the numerous examinations, surveys, and official reports submitted since the date of the Childs survey of 1852, none of them deny the entire feasibility and superiority of the Nicaragua route, not even the renowned De Lesseps himself, and the physical conditions remain the same to-day, since they are the work of the Creator. "The winds and the sea obey him." The calms in the Bay of Panama, which lies in the zone of the equatorial calm belt, constitute a most serious obstacle to the use of that route by the sailing vessel, which is the cheapest known form of ocean carrier, and hence the most feared by competitive transportation interests.

I recall very well that when the canal discussion was up at a former session of the Senate the claim that the Panama Canal was not available for sailing vessels by reason of the equatorial calm that prevails on the Pacific side practically throughout the year was made and admitted. The proof was so conclusive that it was confessed, and then it was attempted to avoid it by the suggestion that the day of the sailing vessel was fast passing and that navigation by steam would soon altogether take its place. But, Mr. President, the truth remains that it is the cheap transportation of the sailing vessel that the great transcontinental lines fear more than the much more costly transportation by steam. Nevertheless, the Panama canal succeeded in securing action by Congress that eliminates the sailing vessels of the world from the use of the isthmian canal and forces sailing vessels as of yore around South America. Professor Haupt continues:

Another reason which may be assigned for the forcing of the Panama route may be found, as stated in the report of the late commission, to be the difficulty of securing a tight dam, which is a vital feature for the canal.

That may be one of the reasons for securing the indorsement of the Panama route by those who heretofore have been opposed to a canal. I know at least one Senator who did not hesitate to say, not publicly, that he was opposed to any canal, and voted for the Panama route because it was the most certain to prevent the construction and ultimate completion of any canal. I read again from Professor Haupt:

Another reason which may be assigned for the forcing of the Panama route may be found, as stated in the report of the late commission, to be the difficulty of securing a tight dam, which is a vital feature for the canal. It is said:

"The Bohio dam is the most important structure on the line, being of great magnitude, of vital necessity to the scheme, and offering many difficulties of construction. \* \* \* Its total height above the lowest part of the foundation is 228 feet. \* \* \* This requires the pneumatic process to be



used through a length of 1,314 feet, of which about 310 feet is at the maximum depth of 128 feet below sea level."

This depth is unprecedented in pneumatic work. Moreover, the report bears inherent evidence that other important features of construction have not been satisfactorily solved, for, in referring to the great volume to be excavated from the Culebra divide, it says:

"The amount of excavation in this section is 43,317,200 cubic yards. The concentration of so large an amount of excavation in so small a space is without precedent. The engineer will recognize at once that thorough organization and tools specially adapted to the work are here required. \* \* \* The method of conducting the work in general principles and in detail should be thoroughly worked out before actual execution is begun."

Again in reference to the maritime section of the canal at the Colon end, the report says:

"The canal in the low region above and below Gatun must be protected from overflow by levees, their total length aggregating about 5.4 miles. The height to which these levees should be carried can not be determined with accuracy from the present data, and must be fixed from the observation of floods hereafter. As in all other cases of doubt, a height has been adopted which will err, if at all, upon the safe side. For the purpose of estimate, the height has been placed at elevation 25."

Then Professor Haupt continues:

From this extract it would seem that further surveys and extended observations on flood heights are desired to determine the heights to be fixed for the protecting levees, and yet the records show that in the severe flood of 1879 the Chagres River rose 46 feet and flooded the country for a distance of 80 miles along the line of the Panama Railroad. This would require an elevation of double that given in the report as the basis of an estimate.

Then he says:

At the rate of progress previously made in the excavation at Culebra, with lavish expenditures and an ample plant, the average has been about 1,000,000 cubic yards annually during the most active years, so that the 43,000,000 cubic yards may make the date for the completion of this part of the work a very remote contingency.

The best that has been done in the Culebra cut heretofore, with the most lavish expenditure of money and the use of the most scientific tools and machinery, has been in the neighborhood of 1,000,000 cubic yards per annum. If that is in anywise a test for the future of this canal, then it may be safely said that the Culebra cut alone is an obstacle that can not be overcome for the next twenty-five years. Professor Haupt says:

No mere edict of man can remove these serious difficulties, which are inherent. In this route, and the determination to adhere to it notwithstanding the alternative, which is yet available, does indeed emphasize the statement that "the question is simply whether or not we shall have an isthmian canal."

Mr. President, it seems to me that these are matters for reflection. Why this almost insane determination to have a canal via the Panama route or none? Was the voice of the American people so loudly in its favor that Congress is forced to provide for a canal which when constructed will give the least competition to the great transcontinental lines and, next, will take an unnecessarily long time for completion? Is it or is it not another leaf in the history of successful opposition to the opening of an isthmian canal that has been made through the influence of those whose interest it is to defeat a canal altogether?

Mr. President, those who have opposed an isthmian canal are all in favor of the Panama route. They recognize that the edict of the American people is that a canal shall be built. They must bow to it, and bowing to it they stand by the route that will require much the longer time to construct, whose successful construction is, according to the report of the Isthmian Canal Commission yet veiled in doubt, and that eliminates from competition with them the sailing vessels of the United States and of the entire commercial world.

Mr. President, there are mysteries upon mysteries. If the President of the United States had followed the law that was given to him for his guidance by the Congress of the United States; if he had not determined for some inscrutable reason to stand for the Panama route, come good, come evil, he would by this time have ended negotiations with Colombia, and the construction of the Nicaraguan canal might have been almost commenced.

It will never do to say that those who have opposed this treaty from conscientious conviction of solemn duty are opposed to an isthmian canal. The real friends of the canal are those who oppose the treaty. The real friends of the canal and who desire its speedy construction are those who say, Defeat this treaty; withdraw our ships and troops from Panama; let the obligations of our treaty with Colombia once more have sway in dealing with that unfortunate country, and let us commence the construction of a canal to which there are no insuperable obstacles, a canal which can be constructed and be placed in full operation, in my judgment, not less than fifteen or twenty years earlier than the Panama Canal, and that is admittedly much more advantageous to American interests than the Panama Canal.

Mr. President, as a Senator sworn to observe the supreme law of the land, believing that moral considerations should control Senators in dealing with nations as well as in dealing with their fellow-man, earnestly and anxiously desiring the construction and the speedy opening of an isthmian canal which will bring into competition with the great transcontinental railways not only the steam vessels but the great sailing fleets of the world, standing for a canal that will realize the wishes and desires of the American people in a much shorter period than is possible

under the Panama scheme, I shall vote against the ratification of the Panama treaty, feeling that in doing so I am best serving my country and its people.

Mr. PLATT of Connecticut. Mr. President, yes, as stated by the Senator from Colorado [Mr. PATTERSON], there have been mysteries in this debate. It has been a mystery, which I have been until now unable to solve, that for days and weeks the motives and honesty and good faith of the President of the United States—not your President nor mine alone, but the President of the United States—should be assailed, sometimes in brutal language, sometimes in language the brutality of which was thinly disguised, for the action which he has taken in reference to the recognition of the new State of Panama.

But the last half hour of the speech of the Senator from Colorado dissipates the mystery. It is because, as he announces, that there is a determination that the isthmian canal shall not be constructed across the Isthmus of Panama, but shall be constructed on the Nicaragua route. The purpose of the attack to which we have listened, and the arguments which have been made, and the suspicions which have been dealt in, were perhaps disclosed by the Senator from Tennessee [Mr. CARMACK] even more boldly than by the Senator from Colorado. The Senator from Tennessee stated in effect, almost in words, that the President of the United States had violated all constitutional obligations, every canon of international law, and the plain statute law of the United States, rather than to allow a canal to be built where the Democratic party desired it to be built. I think I do the Senator no injustice, although I may not quote his language with absolute accuracy.

So I am glad, for one, that the reasons of these objections, of these arguments and insinuations, of this questioning of motives is at last disclosed. I do not desire in this debate to follow all these charges, all these attacks and arguments, in their various ramifications, but I do desire briefly to call the attention of the Senate to some facts.

One important fact, which seems to have been almost overlooked in this discussion, is that there has been a new State, a new nation established, created, and organized in the family of nations, a new State as thoroughly capable of dealing with the other nations of the world as is the United States or Great Britain, Germany, France, Russia, Brazil, Peru, Nicaragua, or any of the other nations which have recognized the Republic of Panama. That is a fact. It is a fact which can not be gainsaid, which can not be overthrown any more than can the nation which has thus taken its place among the nations of the world be overthrown except by violence and war.

We have recognized it. It is said that we have done so in violation of the rules of international law. I may refer to that before I get through with my remarks, but we have done it. So, since the 13th of November last there has been a State called the "Republic of Panama" entitled to all the consideration which any state in this world is entitled to; as fully competent to deal with us and with other nations as is any other country.

If we have violated the principles of international law in the recognition of that State, and thereby assisted it to take its place among the nations of the world, then at least twenty other governments of the world have violated all the canons of international law. So when anyone attempts to impeach the Government of the United States for having improperly, prematurely, or hastily recognized this new nation—this new State—they not only do that, but they assume to impeach all the great nations of the earth in the same words. If we have violated international law, so has England, so has France, so has Germany in the recognition of this new State.

I have been surprised that Senators who say that the President of the United States, in his recognition of this new State, had violated the principles of international law did not think that in so saying they were laying a charge at the doors of the great nations of the world, which have existed and studied international law for hundreds of years, and who have the best international lawyers, perhaps, in the world to advise them. I am surprised, when France within three days after the recognition extended by the United States to the Republic of Panama, Germany within a few days thereafter, and Great Britain within about a month recognized this new Republic, this new State, that Senators should arise here and charge the United States with a violation of the canons of international law. I am surprised that in their zeal to attack the President of the United States they should not have seen that their arguments also led them into an attack of the other great powers of the world, and the rulers and cabinets and statesmen of those powers.

It is a fact, Mr. President, that the State, called the "Republic of Panama," exists, and that we can enter into relations with it and it can enter into relations with us, and that nothing can change that fact or deprive that State of the power to enter into relations with us, or us to enter into relations with it, except force, war, conquest.



That being so, we take note of one other fact: That State has negotiated with the United States a treaty, a treaty which by that State has been ratified. I know it is not customary to speak of treaties in open session, and I am not going to say anything about this treaty which may not be said in open session. It has been made public. By the treaty that State, equipped with all the powers of a State, proposes to give the United States of America the right to construct a canal across its territory.

If that treaty be ratified here in the Senate, without amendment, it is the end of this long, long, weary controversy for the building of a canal which shall join the waters of the Atlantic and the Pacific oceans.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. PLATT of Connecticut. Certainly.

Mr. PATTERSON. I desire to ask the Senator from Connecticut a question, which is, whether or not he believes that if the United States, in negotiating this treaty with Panama, had demanded the entire Isthmus of Panama upon the penalty of withdrawing American war vessels from its ports, we should not have got it? In other words, is it not ours if we see fit to take it?

Mr. PLATT of Connecticut. Mr. President, I think that question is entirely outside of any discussion which I was making. I think I will answer it before I conclude my remarks; but right at this period I want to ask Senators what they are going to do with that treaty? I believe under the provisions of the Spooner Act, but certainly, if it be necessary to supplement that, by provisions which could surely be passed through this Congress, a canal can be commenced before this Congress shall adjourn, and completed, and nobody on the face of the earth can longer say us "nay."

Now, I want to ask those who are opposed to this treaty what they are going to do with this fact and with this condition? Will they vote against the ratification of the treaty because they think perhaps there was haste in its negotiation; because, against the word of the President of the United States, they still think that in some way or other the President was in complicity with the revolution which created the State of Panama, or for any of the other reasons which have been discussed here? Will they vote against the treaty except for the very reason avowed by the Senator from Colorado, that he proposes to prevent, if possible, the building of this canal across the Isthmus of Panama, so that it may be built across Nicaragua?

It has been said, Mr. President, that great wrong has been done to Colombia; that Colombia has a just right to complain of the United States; that we have helped to wrest from her a portion of her territory. I deny these charges and these assumptions. But suppose it be true that we have acted hastily; suppose it be true that we are in some way responsible for the creation of this new State; that in some way the moral aid of the United States has been given to the creation of the new State—what is to be done? What will Senators do then? The Senator from Colorado is very frank about it. He would withdraw the ships of the United States which now patrol the waters of the Isthmus of Panama. Would any other Senator do it? How many Senators does he think will vote for the resolution which, with the views he entertains, he ought to introduce, running something in this way:

*Resolved by Congress, That the President be directed to withdraw from the Isthmus of Panama the naval vessels now in those waters.*

I think, Mr. President, that when Senators came to face that issue they would hesitate. If they are determined that no canal shall be constructed except across Nicaragua, they would probably do it; but if they desire the construction of a canal along the route already selected by the Congress of the United States, I think they would not vote for such a resolution.

I thank the Senator from Colorado for his frankness and his boldness, but I do not think he represents the wishes or sentiments of the American people. I do not think they would be satisfied that the Congress of the United States, issuing its directions to the Commander in Chief of the Army and Navy, should require the withdrawal of those vessels from those waters. Would he go further than that? Would he say, if he thinks as he argued and as other Senators have argued, that we, the United States, prevented Colombia from putting down its revolution, that we should right that wrong, or so-called wrong, by going there and helping Colombia to recover the Republic of Panama? Where would Senators stop?

So much for the fact, Mr. President, which seems to have been lost sight of, but which can not be ignored—the fact that here is this State fully organized, fully equipped, with power to negotiate with us, and which has negotiated with us a treaty, ratified upon its part, for the construction of a canal across the Isthmus of Panama, and the further fact that the ratification of that treaty by the Senate of the United States and the exchange of ratifications with Panama gives the United States full right and power

to discharge the duties which have been placed upon it by the nations of the earth in making it their trustee, for accomplishing this great work in the interest of commerce, in the interest of civilization, and in the interest of peace.

Mr. CULLOM. If the Senator will yield to me, I will make a motion that the Senate adjourn.

Mr. PLATT of Connecticut. I yield for that purpose.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 21, 1904, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 20, 1904.

[Continuation of legislative day of Tuesday, January 19, 1904.]

AFTER THE RECESS.

The recess having expired, at 11.55 a. m. the House was called to order by the Speaker.

PURE FOOD.

Mr. HEPBURN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill which was before the House yesterday.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 6295, known as the pure-food bill. When the committee rose yesterday amendments were being considered to the second section.

Mr. CLARK. Mr. Chairman, where is it we are at? [Laughter.]

The CHAIRMAN. When the committee rose yesterday amendments were being considered to the second section.

Mr. CLARK. Now, Mr. Chairman, I move to amend the second section by striking out the words "mixed" and "or imitated," in line 11, page 13, and inserting before the word "misbranded" the word "or."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 13, line 11, strike out the words "mixed" and "or imitated" and insert before the word "misbranded" the word "or."

Mr. CLARK. The reason I do that is this: Down in line 23, page 12, the phraseology is "adulterated or misbranded." Over on the next page the same phraseology is used in line 8. When you get down to the last part of line 10, it says "such adulterated, mixed, misbranded, or imitated food." That is, it puts into that line (the word "such" referring to what has gone before) the additional words "mixed" and "imitated." I suggest to the chairman of the committee that, for the purpose of consistency in the bill, either the words "mixed and imitated" ought to be struck out in line 11 or they ought to be also inserted in line 23, page 12, and in line 8 on page 13.

Mr. HEPBURN. Mr. Chairman, I have no objection at all to striking out the word "mixed" and the words "or imitated" and inserting the word "or" in line 11 of page 13.

Mr. CLARK. All right.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 3. That the Director of the Bureau of Chemistry and Foods shall make, or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis, duly authenticated by the analyst under oath, which certificate shall be admitted in evidence in all courts of the United States without further verification.

Mr. MANN. Mr. Chairman, in line 13 the word "than" should be the word "that." I offer that informal amendment.

The CHAIRMAN. If there is no objection, the informal amendment will be agreed to.

There was no objection.

Mr. CLARK. Mr. Chairman, I move to amend section 3 by striking out all after the word "country," in line 12. I will read the words I want stricken out, and then I will give the reason for striking them out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, line 12, after the word "country," strike out the remainder of said line, and lines 13, 14, 15, 16, 17, 18, and 19.